**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

**FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER**
**TWO THOUSAND AND FOUR**

**PRESENT:**

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**And**

**THE HON'BLE MR JUSTICE K.C. BHANU**

**W.A. Nos.1889, 2064, 2082, 2110, 2275 of 2003 and 772 and 871 of 2004**

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**W.P. Nos.21498, 17351, 21538, 19947, 20279, 20899, 21001, 21122, 21358, 21379, 21511, 21550, 21639, 21640, 21776, 21781, 21796, 21828, 21916 22430, 21884 and 21505 of 2003**

**WRIT APPEAL NO : 1889 of 2003**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/09/2003 in WP NO: 18741 OF 2003 on the file of the High Court.)

Between:

1 The Commissioner of Proh. & Excise,
Govt. of A.P., Hyderabad.

2 The Proh. & Excise Superintendent,
Machilipatnam, Krishna District.

3 The Proh. & Excise Sub Inspector,
Proh. & Excise Station, Mylavaram,
Krishna District. **..... APPELLANTS**

**AND**

M. Satyanarayana Goud

Licencee of M/s. Red Lips Wines,
Ibrahimpatnam, Krishna District. **...RESPONDENT**

**Counsel for the Appellants: GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent: Mr. A. Jagannadha Rao.**

**WRIT APPEAL No. 2064 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/09/2003 in WP No.18746 OF 2003 on the file of the High Court.)

Between:

1 The Commissioner of Proh. & Excise,
Govt. of A.P., Hyderabad.

2 The Proh. & Excise Superintendent,
Machilipatnam, Krishna District.

3 The Proh. & Excise Sub Inspector,
Proh. & Excise Station, Patamata,
Vijayawada Krishna District.

**And**

N. Ravi Chandrasekhar, Licencee of M/s. Srinivasa Wines, Komatigunta Lock, Kanipadu Mandal, Krishina District.

Respondent.

**Counsel for the Appellants : GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent: Mr. A.Jagannadha Rao.**

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**WRIT APPEAL No.2082 of 2003**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25-09-2003 in W.P. No.18742 OF 2003 on the file of the High Court.)

Between:

1. The Commissioner of Prohibition & Excise Government of

A.P., Hyderabad.

2. The Prohibition & Excise Superintendent, Machilipatnam,

Krishna District.

3 The Prohibition & Excise Inspector, Mylavaram,

Krishna District.

**... APPELLANTS.**

**AND**

B. Ramabujji

Ibrahimpatnam, Krishna District,

Licencee of Swarna Wines.

**.....RESPONDENT**

**Counsel for the Appellant:GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent No.: Mr. A.Jagannadha Rao.**

**WRIT APPEAL No.2110 OF 2003**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25-09-2003 in W.P. No.18743 of 2003 on the file of the High Court.)

Between:

1. The Commissioner of Proh & Excise, Govt. of A.P, Hyderabad

2. The Proh. & Excise Superintendent, Machilipatnam,

Krishna District.

3. The Proh. & Excise Sub-Inspector, Proh & Excise Station,

Patamata, Vijayawada.

**..... APPELLANTS**

**AND**

Ganta Srinivasa Rao

Licencee of M/s. Sri Durga Wines,
Ramalingeswara Nagar, Vijayawada.

**.....RESPONDENT**

**Counsel for the Appellants: GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent: MR.A.JAGANNATHA RAO**

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**WRIT APPEAL No.2275 of 2003**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15-10-2003 in WP No.18745 OF 2003 on the file of the High court.)

Between:

1. The Commissioner of Proh. & Excise, Govt. of A.P.,

   Hyderabad.

2. The Proh. & Excise Superintendent, Machilipatnam,
Krishna District.

3. The Proh. & Excise Sub-Inspector, Proh. & Excise Station,

   Gudivada, Krishna District.

**..... APPELLANTS**

**AND**

V. Sri Krishna, S/o. Ramachandra Rao, R/o. Gudlavalleru,

Licencee of M/s. Devi Wines, Pamarru, Krishna District.

**..... RESPONDENT**

**Counsel for the Appellants: GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent: MR.A. JAGANNATHA RAO**

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**WRIT APPEAL No.772 OF 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12-02-2004 in WVMP No.145 of 2004 in WPMP No.27310 of 2003 in WP No.21884 OF 2003 on the file of the High Court.)

Between:

1. The Commissioner of Proh. & Excise, Govt. of A.P. Nampally,

Hyderabad.

2. The Deputy Commissioner of Proh. & Excise, Visakhapatnam.

3. The Proh. & Excise Superintendent, Srikakulam,
Srikakulam District.

4. The Proh. & Excise Superintendent, Vizianagaram,

Vizianagaram District.

5. The Proh. & Excise Inspector, Ichapuram, Ichapuram Circle,

Srikakulam District.

6. The Proh. & Excise Inspector, Sompeta,
S.H.O. Srikakulam District.

7. The Proh & Excise Inspector, Bhogapuram Circle,

Bhogapuram, Vizianagaram District.

..... APPELLANTS

**AND**

1. M/s. Jyothi Wines, IL-24, A.S. Peta, Ichapuram (V&M),

Srikakulam District, Licence No.57/98-99,
Rep. by its licensee Sri R. Srinivasa Rao, S/o Babu Rao,
aged 28 years, Ichapuram (V&M),
Srikakulam District.

2. M/s. Chinthamani Wines, IL-24, Kaviti Village and Mandal,

Srikakulam District, Licence No. 64/98-99,
Rep. by its licensee Sri N. Jaggarao S/o Vallayya, Aged 35

years, R/o Kaviti (V&M), Srikakulam District.

3. M/s. Sri Dhana Lakshmi Wines, IL-24, Ichapuram,

Srikakulam District, Licence No. 44/02-03,
Rep. by its licensee Sri K. Naveen Chowdiry, S/o late Murahari

Chowdiri, Aged 35 yrs,
R/o Ichapuram, Srikakulam District.

4. M/s. Ratnam Wines, IL-24, Kaviti Village and Mandal,

Srikakulam District, Licence No. 37/02-03
Rep.by its licensee P. Srinivasa Rao, S/o Thavitayya, Aged 30

yrs, R/o Kaviti (V&M), Srikakulam District.

5. M/s. Sri Venkateswara Wines, IL-24, Kaviti Village and

mandal, Srikakulam District,
Licence No. 50/01-02, Rep. by its licensee B. Chandrasekar

Rao, S/o Venkatachalam, aged about 45 yrs,
R/o Mutyalapeta (V) Kaviti (M), Srikakulam District.

6. M/s. Sakthi Wines, IL-24, Sompeta Village and Mandal,

Srikakulam District, Licence No. 58/98-99,
Rep. by its Licensee P. Rama Rao, s/o late P. Raghunath,
aged about 27 years, R/o Sompeta (V&M),
Srikakulam District.

7. M/s. Manmohan Bar & Restaurant, IL-17, Ichapuram Village

and mandal, Srikakulam District,
Licence No. 10/01-02, Rep. by its Licensee R.Nrayana

Chowdiri S/o late Giridhara Chowdiri, aged about 35 yrs,
R/o Ichapuram, Srikakulam District.

8. M/s. Sri Lakshmi Wines, IL-24, Ichapuram Village and

Mandal, Srikakulam District, Licence no. 126/98-99,
Rep. by its Licensee Rukmangadha Rao,
S/o. Ramulu, aged about 23 years, R/o Ichapuram,

Srikakulam District.

9. M/s. Sri Sai Kumar Wines, IL-24, Pusapatirega Village and

Mandal, Vizianagaram District, Licence No. 60/98-99,
Rep. by its Licensee V. Srinu, S/o late Konda, Aged about
27 years, R/o Pusapatirega (V&M), Vizianagaram District.

10. M/s Sri Naidu wines, IL-24, Pusapatirega Village and Mandal,

Vizianagaram District, Licence No. 261/98-99, Rep. by its

licensee P. Chandar Rao, S/o Suryanarayan,
Aged about 32 years, R/o Pusapatirega (V&M), Vizianagaram

District.

11. M/s. Sairam Wines, IL-24, Kumili Village, Pusapatirega

Mandal,Vizianagaram District, Licence No. 259/98-99,
Rep. by its licensee Gorle Sridhar, S/o Gopala Rao,
Aged 27 yrs, R/o Kumili Village, Pusapatirega (M),

Vizianagaram District.

12. M/s. Radha Krishna Wines, IL-24, Kondada Village,

Pusapatirega Mandal, Vizianagaram District,
Licence No. 13/2000-01, Rep. by its licensee A. Venkata

Raju, S/o Narasimhulu, Aged about 35 yrs, R/o Pusapatirega

(M), Vizianagaram District.

13. M/s K.B. Wines, IL-24, Peddapativada Village, Pusapatirega

Mandal, Vizianagaram District, Licence No.227/98-99,
Rep. by its licensee D.V. Kumar Babu S/o Late Rama Rao,
Aged 27 yrs, R/o Peddapativada village, Pusapatirega (M),

Vizianagaram District.

14. M/s. Sri Surya Wines, IL--24, Alladapalem Village,

Pusapatirega Mandal, Vizianagaram District,
Licence No. 43/98-99 Rep. by its licensee V. Kamudu
S/o Sanyasi, Aged about 40 yrs, R/o Alladapalem (v)

Pusapatirega (M), Vizianagaram District.

15. M/s. Veera Venkata Kanaka Durga Wines, IL-24, Chintapalli

Village, Pusapatirega Mandal, Vizianagaram District,
Licence No. 259/98-99 Rep. by its licensee Kola Suribabu
S/o Venkatesh, Aged about 35 years, R/o Chintapalli (V)

Pusapatirega (M), Vizianagaram District.

**... RESPONDENTS**

**Counsel for the Appellants: GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondents.: MR. TADDI NAGESWARA RAO**

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**WRIT APPEAL NO : 871 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12-02-2004 in WVMP. No.4152 of 2003 in W.P.M.P.No.26864 of 2003 in W.P.No.21505 of 2003 on the file of the High Court.)

Between:

1. The Commissioner of Proh. & Excise, Govt.of A.P.

   Hyderabad.

2. The Dy.Commissioner of Proh. & Excise,Visakhapatnam.

3. The Prohibition & Excise Superintendent, Vizianagaram, Vizianagaram District.

4. The Proh. & Excise Inspector, S.Kota Circle, S.Kota, Vizianagaram District.

5. The Proh. & Excise Inspector, Gajapathinagaram Circle, Gajapathinagaram,Vizianagaram District.

6. The Proh. & Excise Inspector, Cheepurupally Circle, Cheepurupally, Vizianagaram District.

**..... APPELLANTS**

**AND**

1. M/s Sri Raja Rajeswari Wines, IL-24, D.No.36-106, Old

Bus Stand, S.Kota (V& M), Vizianagaram District, rep.by

its Licensee Tummala Satyanarayana Chowdary, S/o

Late Appayya, 55 years, R/o S.Kota (V & M),

Vizianagaram District.

2. M/s Srinivasa Wines, IL-24, R.T.C.Complex,
S.Kota (V&M), Vizinagaram district rep.by its Licensee

K.Venkata Ramana, S/o Thirupathi Rao, 50 years,
R/o S.Kota (V&M), Vizianagaram District.

3. M/s Vikram Wines, IL-24, Block No.1, Shop No.10,

S.Kota (V& M), Vizianagaram District, rep.by its Licensee

Chandaka Krishna, S/o Ramulu, 40 years,
R/o S.Kota (V & M), Vizianagaram District.

4. M/s. Sri Durga Wines, IL-24, R.T.C.Complex,
S.Kota (V & M), Vizianagaram District, rep.by its Licensee

M.Venkata Bhaskara Rao, S/o Ramakrishna Rao,

40 years, R/o S.Kota (V & M), Vizianagaram District.

5. M/s Lakshmi Wines, IL-24, S.Kota (V& M), Vizianagaram

District, rep.by its Licensee Kota Satyanarayana, S/o

Pentaiah, 35 years, R/o S.Kota (V & M), Vizianagaram

District.

6. M/s. Ravi Raja Wines, IL-24, D.No.2-183/B, Opp.RTC

Complex, S.Kota (V & M), Vizianagaram District, rep.by

its Licensee Y.Rajendra Naidu, S/o Jagannadha Rao,
35 years, R/o S.Kota (V & M), Vizinagaram District.

7. M/s Sri Sai Wines, IL-24, S.Kota (V&M), Vizianagaram

District rep.by its Licensee
Vangapandu Satyanarayana, S/o Late Swamy Naidu,

60 Years, R/o S.Kota (V & M), Vizianagaram District.

8. M/s Sri Gangamamba Wines, IL-24, D.No.1-79, situated

at G.Mamadipally Village, S.Kota (V&M), Vizianagaram

District rep.by its Licensee A.Ramana Rao, S/o Late

Demudu, 45 years R/o S.Kota (V & M) , Vizianagaram

District.

9. M/s Swapna Wines, IL-24, S.No.1772, S.Kota (V & M),

Vizianagaram District rep.byits Licensee P.Hanumaiah, S/o

Narasimha Rao, 50 years,
R/o S.Kota (V & M),Vizianagaram District.

10. M/s. Ravi Wines, IL-24, D.No.22-140/1, S.Kota (V & M) ,

Vizianagaram District, rep.by its Licensee Ch.Subba Rao,

S/o Seethaiah, 38 years, R/o S.Kota (V&M), Vizianagaram

District.

11. M/s Vinayaka Wines, IL-24, D.No.5-122, Dharmavaram

Village, S.Kota Mandal, Vizianagaram District rep.by its

Licensee A.Srinivasa Rao, S/o Krishna Murthy, 35 years,
R/o S.Kota (M), Vizianagaram District.

12. M/s Sri Lakshmi Wines, IL_24, at Boodavara Junction,

S.Kota (V& M), Vizianagaram District
rep.by its Licensee P.Rajaprasad, S/o Rajanna, 25 years,
R/o S.Kota (V& M), Vizianagaram District.

13. M/s Vinayaka Wines, IL-24, D.No.1-19-1/44, Railway

Station Road, Vizianagaram, Vizianagaram District,
rep.by its Licensee N.V.R.M.Prasada Rao, 55 years

Vizianagaram District.

14. M/s Chowdary Wines, IL-24, S.No.50-14, Bodasingipeta

(Dhaba), Bondapally Mandal, Vizianagaram District rep.by

its Licensee S.Balakrishna, S/o Mohana Rao, 35 years,
R/o S.Kota (V& M), Vizianagaram District.

15. M/s Sri Lakshmi Wines, IL-24, Opp: R.T.C.Complex,

Gajapathinagaram (V& M), Vizianagaram District rep.by its

Licensee A.Sambasiva Rao, S/o Subba Rao, 45 years,
R/o S.Kota (V& M), Vizianagaram District.

16. M/s Sri Sai Kumar Wines, IL-24, D.No.5-6,

Gajapathinagaram Village, Vizianagaram District rep.by its

Licensee V.Giri, S/o Konda, aged about 35 years,
R/o R.Bhogapuram Village, Vizianagaram District.

17. M/s Sri Lakshmi Wines, IL-24, New Colony, Puritipenta (V),

Gajapathinagaram (M), Vizianagaram District rep.by its

Licensee Gedda Srinivasa Rao, S/o Sivarama Dikshitulu,

40 years, R/o Puritipenta (V), Gajapathinagaram (M),

Vizianagaram District.

18. M/s Mohan Wines, IL_24, Puritipenta (V),

Gajapathinagaram (M),Vizianagaram District, rep.by its

Licensee Kolla Butchi Krishna Mohan, S/o Appalanaidu,
Aged about 42 years, R/o Puritipenta (V),

Gajapathinagaram (M), Vizianagaram District.

19. M/s Naidu Wines, IL-24, D.No.6-881, New Colony,

Puritipenta (V), Gajapathinagaram (M), Vizianagaram

District rep.by its Licensee Attada Lakshminaidu, S/o Late

Gangu Naidu, Aged about 40 years, R/o Puritipenta (V),

Gajapathinagaram (M), Vizianagaram District.

20. M/s Sri Padma Wines, IL-24, Gajapathinagaram (V& M),

Vizianagaram District, rep.by its Licensee Smt P.Padma,

W/o Jagannadha Rao, Aged about 30 years, R/o

Gajapathinagaram (V& M), Vizianagaram District.

21. M/s Geeta Wines, IL-24, Gajapathinagaram (V&M), Vizianagaram District rep.by its Licensee Thirumala Krishnam Raju, S/o Appala Narasimha Raqju, aged about 50 years, R/o Gajapathinagaram (V&M), Viziangaram District.

22. M/s Venkateswara Wines, IL-24, D.No.1-98, Vepada (V&M), Vizianagaram District, rep.by its Licensee R.Suri Appa Rao, S/o Guruvulu, aged about 40 years, R/o Vepada (V&M), Vizianagaram District.

23. M/s Sri Krishna Wines, IL-24, Ballanki (V), Vepada (M), Vizianagaram District. rep.by its Licensee P.Suryanarayana Raju, S/o Bala Satyanarayana Raju, aged about 45 years, R/o Ballanki (V), Vepada (M), Vizianagaram District.

24. M/s Sri Lakshmi wines, IL-24, D.No.7-80, Boddam (V), S.Kota, Vizianagaram District, rep.by its Licensee Reddy Jagannadha Rao, S/o Narasinga Rao, aged about 35 years, R/o Boddam (V), S.Kota (M), Vizianagaram District.

25. M/s Balaji Wines, IL-24, Boddam (V), Vizianagaram District rep.by its Licensee M.Jagannadham, S/o Sanyasaiah, aged about 35 years, R/o P.K.R.Puram, Vizianagaram District.

26. M/s Malliakharjuna Wines, IL-24, Vallampudi (V), via S.Kota, Vizianagaram District, rep.by its Licensee Robbi Butcheswara Rao, S/o Late Appanna, aged about 50 years, R/o Vallampudi (V), Vizianagaram District.

27. M/s Sai Durga Wines, IL-24, Budathanapalli (V), Gantyada (M), Vizianagaram District, rep.by its Licensee V.Mutyala

Naidu, S/o Narayana Murthy, aged about 45 years,
R/o Budathanpalli (V), Gantyada (M), Vizianagaram

District.

28. M/s Maha Lakshmi Wines, IL-24, D.No.3-429, Lakkidam

(V), Vizianagaram District rep.by its Licensee Ramachandra

Varma, S/o Venkatapathi Raju, aged about 45 years,
R/o. Vizianagaram, Vizianagaram District.

29. M/s. Sai Priya Wines, IL-24, Budipeta (V), Korlam Jn.

Gantyada (M),Vizianagaram District rep.by its Licensee

P.Satya Rao, S/o Ramakrishna, aged about 35 years,
R/o Budipeta (V), Gantyada (M), Vizianagaram District.

30. M/s. Sri Kanaka Durga Wines, IL-24, Kotarubilliroad Jn.

Kotarubilli (V), Gantyada (M), Vizianagaram District rep.by

its Licensee V.Mutyala Naidu, S/o Dali Naidu, aged about

40 years, R/o Kotarubili (V), Gantyada(M), Vizianagaram

District.

31. M/s Sri Venkateswara Wines, IL-24, Pedavamali (V),

Gantyada (M), Vizianagaram District rep.by its Licensee

M.Venkata Ramana, S/o Ramana Murthy, aged about 40

years, R/o Pedavamli (V), Gantyada, (M), Vizianagaram

District.

32. M/s Sri Lakshmi Wines, IL-24, Kondathamarapalli Jn.

Kondathamarapalli (V), Gantyada (M), Vizianagaram

District rep.by its Licensee Kondapalli Venkata Ramana,

S/o Paidithalli Naidu, aged about 40 years, Vizianagaram

District.

33. M/s Sri Lakshmi Wines, IL-24, Narava (V), Gantyada (M),

Vizianagaram District rep.by its Licensee Jami Satyam,

S/o Mutyala Naidu, aged about 45 years, Vizianagaram

District.

34. M/s Sri Lakshmi Wines, IL-24, Kotarubili Junction,

Vizianagaram District rep.by its Licensee Jami

Suryanarayana, S/o Mutyala Naidu, aged about 38 years,
Vizianagaram District.

35. M/s Sri Kanaka Durga Wines, IL_24, Bonamgi (V),

Gantyada (M), Vizianagaram District rep.by its Licensee

D.Chinni Krishna, So Narasim Naidu, aged about 35 years,
Vizianagaram District.

36. M/s Sri Rajya Lakshmi Wines, IL-24, Garbham (V),

Merakamudham (M), Vizianagaram District rep.by its

Licensee B.Appala Naidu.

37. M/s Sri Gayathri Wines, IL_24, Merakamudham (M),

Vizianagaram District rep.by its Licensee G.Simhadhri

Raju.

38. M/s Sri Vinayaka wines, IL-24, Garbham (V),

Merakamudham (M), Vizianagaram District
rep.by its Licensee B.Sambamurthy Raju.

**...RESPONDENTS**

**Counsel for the Appellants:GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondents No.: MR.T.NAGESWARA RAO**

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**WRIT PETITION No.21498 of 2003**

Between:

1. Amulya Wines Licence No.385/98-99, S.Rayavaram Village & Mandal,Vishakapatnam District, Prop. T.Ananda Reddy s/o. Sathi Reddy.

2. Balaji Wines, Licence No.477/2000-01, S.Rayavaram Village & Mandal, Visakhappatnam Dist, Prop. S.S.Ramakrishna,

s/o.Viswanadham, Aged 58 years.

**..... Petitioners**

**And**

1. The Commissioner of Prohibition & Excise, Govt of A.P.

Hyderabad.

2. The Deputy Commissioner, The Prohibition & Excise Dept,

Visakhapatnam.

3. The Assistant Commissioner, Enforcement,

Visakhapatnam.

4. The Superintendent (Prohibition & Excise),

Visakhapatnam, Visakhapatnam District.

5. The Sub Division Prohibition & Excise Officer,Narsipatnam,

Visakhapatnam.

6. The Inspecttor, Prohibition & Excisee, Yelamanchili,

Visakhapatnam.

**.....Respondents.**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the proceedings of the 1st respondent i.e. the Commissioner for Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated 10.1.2003 and the directions of the Deputy Commissioner of Prohibition and Excise, Visakhapatnam dated 26.8.2003 and as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMRP rates.

**Counsel for the Petitioners: MR.K.CHIDAMBARAM**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION NO : 17351 of 2003**

Between:

A.P.State Wine Dealers Association, (Regd.No.1/83), Flat

No.304, Block-C, Matrusri Apartments, Hyderguda, Hyderabad

-500 029, rep.by its Secretary D.Venkateswara Rao,

S/o.D.V.KrishnaRao,Chikkadpally,Hyderabad.

**..... PETITIONER**

**AND**

The Commissioner for Prohibition and Excise, Government of

A.P., Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ in the nature of a writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 1st respondent i.e. Commissioner for Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated
10-1-2003, as illegal and void.

**Counsel for the Petitioner: MR. A.JAGANNATHA RAO**

**Counsel for the Respondent : GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION No.21538 of 2003**

Between:

1. M/s. K.K.Wines, Eluru West Godavari District represented by its Licencee Kamulla Krishna, s/o Manikyalarao, 45 years, resident of Eluru, West Godavari District Licence No.94/1998-99.

2. M/S. Sri Uma Wines, Eluru West Godavari District, represented by its Licencee A.Ramesh Chandra, s[o Umamaheswasrarao, 28 years, resident of Eluru,Westn Godavari District. Licence No.210/1998/99.

3. M/s Geetha Wines, Eluru West Godavari Distric gt represented by its

Licencee Prasadapu Veera Raju, s[o Nagabhushanam, aged 33 years, resident of Madyapalli, Eluru Mandal,West Godavari District, Licence No.290/1998-99.

4. M/s Kranthi Wines,Eluru West Godavari District represented by its Licencee Chilaka Rambabu, s[o Ch.Venkateswasrarao,Aged 38 years, Resident of Vijayawada Licence No.113/1998-99.

5. M/s. Raghu Wines, Eluru West Godavari District represented by its Licencee Peddireddi Muralidhara Rao, s[o P.Ramakrishna aged 40 years, resident of M.H.Puram, Eluru, West Godavari District, Licence No.372/1998-99.

6. M/s. Balaji Wines Stores, Eluru West Godavari District rep.by its Licencee Balabatula Brahmam,s/o B.Chinna Veeraiah, aged 60 years, resident of Eluru, West Godavari District, Licence No.245/1998-99.

7. M/s. Sai Uma Wines, Eluru West Godavari District, represented by its Licencee Janga Rama Mohan rao,s[o J.Devalla Raju, aged 43 years, resident of Eluru, West Godavari District, Licence No.244/1998-99.

8. M/s.Sridevi Liquors,Eluru,West Godavari District, represented by its Licencee Sunkara Sridevi w/o S.Sudhakar, aged 26 years, resident of Eluru,West Godavari District, Licence No.2/2003-2002.

9. M/s. S.S.Wines, Satrampadu,Eluru,West Godavari District, represented by its Licencee, Kommini Siva Sai Kumar,s[o K.Achuta Rao, aged 30 years, resident of Vatuluru, West Godavari District ,Licencee No.14/2001-2002.

10. M/s. Gayatri Wines, Eluru, West Godavari District represented by its Licencee Movva Srinivasa Rao,s[o M.Purnachandrarao, aged 32 years, resident of Eluru,West Godavari District,Licence No.03/1998-99.

11. M/s. Gayatri Wines, Eluru Godavari District represented by its Licencee D.V.R.Choudary s/o D.Raghavendrarao, aged 40 years, resident of Eluru, West Godavari District, Licence No.03/2003-04.

12. M/s.. Sri Sambasiva Wines, Eluru, West Godavari District, represented by its Licencee K.Venkateswasrarao, s[o K.RamMohanarao, aged 46 years,resident of Eluru West Godavari District, Licence No.404/1998-99.

13. M/s. M.G.R.Wines, Eluru, West Godavari District represented by its Licencee Nagisetti Venkatachalapathi s/o Srimannarayana, aged 31 yedars, residentof Badedivari street,Eluru West Godavari District,

Licence No.06/1998-99.

14. M/s M.G.R. Wines, Eluru,West Godavari District, represented by its Licencee K.Satish Babu s/o Vidya Sagar, aged 28 years, resident of Eluru, West Godavari District Licence No.610/1998-99.

15. M/s. M.G.R.Wines,Eluru, West Godavari District, represented by its Licencee D.N.Satyanarayana, s[o Ramakrishna, aged 32 years, resident of Eluru, West Godavari District, Licence No.04-1998-99.

16. M/s. M.G.R.Wines, Eluru, West Godavari District,represented by its Licencee Manikonda Vidyadari, w[o Yasoda Babu, aged 28 years, rsident of Shanti Nagar,Eluru,West Godavari District,

Licence No.01/2003-04.

17. M/S. Surya Wines, Eluru, West Godavari District, represented by its Licencee K.Srinivasa Rao, s[o Venkata Sada Siva Rao,aged 48 years, resident of R.R.Peta, Eluru,West Godavari District, Licence No.390/1998-99.

18. M/S Sri Ambica Wines, Kamavarapukota West Godavari District, represented by its Licencee M.J.V.G.Apparao, s[o Eswara Prasad, resident of Kamavarapukota, West Godavari District, Licence No.260/1998-99.

19. M/S Sri Balaji Wines, Tadikalapudi,West Godavari District, represented by its Licencee E.V.Srinivasarao, s/o Nageswararao, resident of Tadikalapudi,West Godavari District, Licence No.181/1998-99.

20. M/S Superiod Wines, Eluru, West Godavari District, represented by its Licencee B.Satyanarayana Vara Prasad, s[o B.Appalaswamy, 50 years, resident of Eluru,West GodavariDistrict, Licence No.80/1998-99.

21. M/s Friendly Wines, Eluru, West Godavari District, represented by its Licencee Peddiboina Satyanarayana, s/o P.Anjaiah, aged 56 years, resident of Eluru, West Godavari District, Licence No.82/1998-99.

22. M/S. Excellent Wines, Eluru, West Godavari District, represented by its Licencee K.Raghava Raju, s/o Anjaneya Raju, aged 49 years, resident of Bhimadolu, West Godavari District, Licence No.687/1998-99.

23. M/s Chakri Wines, Eluru, West Godavari District, represented by its Licencee R.V.K.Balaji, s/o Sriramulu, aged 32 years, resident of Eluru, West Godavari District, Licence No.271/1998-99.

24. M/S Chakri Wines, Eluru West Godavari District represented by its Licencee K.Ramamohan Rao, s[o K.Krishnamurthy, aged 38 years, resident of Eluru, West Godavari District, Licence No.313/1998-99.

25. M/S Chakri Wines, Eluru, West Godavari District, represented by its Licencee T.Lakshmana Rao, s/o Ramakrishnarao, aged 49 years, & K.V.G.Chandrarao, s/o Venkateswararao, aged 38 years,

Residents of Eluru, West Godavari District,

Licence No.96/1998-99.

26. M/S Chakri Liquors, Eluru, West Godavari District, represented by its Licencee M.V.Ram Mohan Rao, s/o Rangarao, aged 34 years, resident of Eluru,West Godavari District, Licence No.11/2003-2004.

27. M/S Jyoti Wines, Chintalapudi, West Godavari District, represented by its Licencee Oleti Pitchaiah, s/o Rattaiah, aged 52 years, resident of Ratnalakunta, West Godavari District, Licence No.45/1998-99.

28. M/S Devi Wines, Chintalapudi West Godavari District, represented by its Licencee Kondeti Manikyalarao, s/o Nancharaiah, aged 46 years, resident of Eluru, West Godavari District, Licence No.262/1998-99.

29. M/S Sri Kanakadurga Wines, Chintalapudi, West Godavari District, represented by its Licencee Akkula Bohi Babu, s/o Mallikarjuna Rao,

aged 53 years, resident of Chintalapudi,West Godavari District,

Licence No.259/1998-99.

30. M/S Sivajyoti Wines, Raghavapuram, West Godavari District, represented byits Licencee Oleti Venkateswararao, s/o Rattaiah, aged 51 years, resident of Ratnalakunta West Godavari District, Licence No.48 /1998-99.

31. M/S Ganesh Wines, Eluru, West Godavari District, represented by its Licencee L.V.Ganesh, s/o Hanumantha Rao, aged 42 years, resident of Eluru, West Godavari District, Licence No.287/1998-99.

32. M/S Pavani Wines, Eluru, West Godavari District represented by Licencee K.N.V.Ramesh, s/o Surya Prakash Rao, aged 33 years, resident of Eluru, West Godavari District, Licence No.263/1998-99.

33. M/S R.K.Wines, Eluru, West Godavari District represented by its Licencee K.V.Krishnarao, s/o Adinarayana, aged 49 years, resident of Eluru, West Godavari District Licence No.95/1998-99.

34. M/S Sriram Wines, Eluru, West Godavari District, represented by its Licencee M.Dhanjaya Rao, s/o Ramakrishna Raju, aged 39 years, resident of Eluru, West Godavari District, Licence No.355/1998-99.

35. M/S Shiva Wines, Eluru, West Godavari District, represented by its Licencee M.Ram Mohan Rao, s/o Sambasivarao, aged 48 years, resident of Ayyapparajugudem, West Godavari District, Licence No.16/1998-99.

36. M/S Jyoti Wines, Eluru, West Godavari District, represented by its Licence B.China Venkateswasrarao, s/o Lakshmaiah, aged 56 years, resident of Kotapadu, West Godavari Districgt, Licence No.391/1998-99.

37. M/S Balaji Wines, Eluru, West Godavari District, represented by its Licencee K.Ravindra Tagore,s/o Krishnamurthy,aged 48 years, resident of Eluru, West Godavari District, Licence No.90/1998-99.

38. M/S. Sai Pallavi Wines, Eluru, West Godavari District, represented by its Licencee J.Satish, s/o Adihanumantharao, aged 38 years, resident of

Eluru, West Godavari District, Licence No.243/1998-99.

39. M/S Dhanesh Wines, Tadepaligudem, West Godavari District, represented by its Licencee S.R.Kumar, s[o Nagaraju, aged 45 years, resident of Eluru, West Godavari District, Licence No.180/1998-99.

40. M/S Rajesh Wines, Padapadu,West Godavari District, represented by its Licencee T.Ramakrishna, s/o Ramarao,aged 42 years, resident of Eluru, West Godavari District Licence No.278/1998-99.

41. M/S Anusha Wines, Chataparru, West Godavari District, represented by its Licencee T.Srinivasarao, s/o Nagfeswararao, aged 35 years, resident of Eluru, West Godavari District, Licence No.364/1998-99.

42. M/S Hanuman Wines, Kaikaram West Godavari District, represented by its Licencee B.Anjaneyulu, s/o Pullaiah, aged 55 years, resident of Chintalapudi, West Godavari District, Licence No.164/1998-99.

43. M/S.Kinnra Wines, Eluru, West Godavari District, represented by its Licencee Pujari Satyavathi,w/o Divakara Rao,aged 48 years, resident of Eluru, West Godavari District, Licence No.99/1998-99.

44. M/S Vijayalakshmi Wines, Eluru, West Godavari District, represented by its Licencee Pujari Divakara Rao, s/o Veeraiah, aged 51 years,resident of Eluru, West Godavari District, Licence No.273/1998-99.

45. M/S Vijaya Durga Wines, Eluru, West Godavari District, represented by its Licencee Balla Aruna Kumari, w/o Srinivasarao, aged 32 years, resident of Eluru, West Godavari District, Licence No.98/1998-99.

46. M/S Vijaya Wines, Eluru, West Godavari District, represented by its Licencee Gaddela Gangaraju, s/o Chikkaiah, aged 60 years, resident of Eluru, West Godavari District, Licence No.08/2003-04.

47. M/S Venkateswara Wines, Eluru, West Godavari District, represented by its Licencee Matcha Siva Leela Kumari W/o Kanaka rao, aged 35 years, resident of Eluru, West Godavari District, Licence No.13/2001-02.

48. M/S Shiva Wines, Gudvakalanka, Eluru, West Godavari Districft, represented by its Licencee Thippana Ganapathi Rao, s/o Bapanaiah, aged 63 years, resident of Eluru, West Godavari District, Licence No.14/2002-03.

49. M/s. Sairam Wines, Sripuram,Eluru, West Godavari District, represented by its Licencee Ghantasala Seetaha Rama Raju S/o. Nagabhushanam, aged 60 years, resident of Eluru, Licence No.371/1998-99.

50. M/S Kanakadruga Wines, Penada West, Pennada West Godavari District represented by its Licencee Nimmana Anjan Kiran Kumar, s/o Siva Kesavarao, aged 25 years, resident of Eluru, West Godavari District, Licence No.22/2001-02.

51. M/S Shivani Wines, Jangareddigudem, West Godavari District, represented by its Licencee K.Karuna Kumkari w/o Venkata Raju, aged 46 years, resident of Eluru, West Godavari District, Licence No.9/2000-01.

52. M/S Sambasiva Wines, Anantapalli, West Godavari District, represented by its Licencee Nimmana Padmaja, w/o Siva Kesavarao, aged 40 years, resident of Eluru, West Godavari District, Licence No.8/2000-01.

53. M/s M.G.R. Wines, Potunuru, West Godavari District, represented by its Licencee M.Sujatha, w/o Jaya Prakash, aged 27 years, resident of Badeti vari street, Eluru, West Godavari District, Licence No.16/2002-03.

54. M/S M.G.R.Wines, Kotturu, West Godavari District, represented by its Licencee E.Sumathi W/o Ashok kumar, aged 28 years, resident of Chatanyapuri colony, Eluru, West Godavari District, Licence No.17/2002-03.

55. M/S M.G.R. Wines, Dharmaji Gudem, West Godavari District, represented by its Licencee, P.V.Varalakshmi, w/o Sri Ramulu, aged 30 years, resident of Southern street,Eluru, West Godavari District,

Licence No.5/2002-03.

56. M/S Vijaya Durga Wines, Kotturu, West Godavari District, represented by

its Licencee, B.Venkateswararao, s/o Sattaiah, aged 41 years, resident of Eluru, West Godavari District, Licence No.591/1998-99.

57. M/S Ratnalamma Wines, Pedavegi, West Godavari District, represented by its Licencee P.Manikyam, w/o Bale Ramulu,aged 35 years, resident of Pedavegi West Godavari District, Licence No.526/1998-99.

58. M/S Nagendra Wines, Vegivada West Godavari District, represented by its Licencee, K.Satyavani,w/o Srinivasasrao, aged 38 years, resident of R.R.Pet,Eluru, West Godavari District, Licence No.523/1998-99.

59. M/S Balaji Wines, Gopannapalem, West Godavari District,

represented by its Licencee K.Venkateswararao, s/o

Gopala Krishna Murthy,Aged 27 years, resident of

Tadikalapudi, West Godavari District.

Licence o.78/1998-99.

60. M/S Joyfull Wines, Bhimadole, West Godavari District, represented by its Licencee P.Krishnarjunarao, s/o Venkatachalam, Aged 43 years, resident of Bhimadole, West Godavari District District,Licence No.79/1998-99.

61. M/S Raja Wines,Bhimadole, West Godavari District, represented by its Licencee N.Krishna Mohan Raju, s/o V.S.Rama Raju,aged 52 years, resident of Bhimadole, West Godavari District, Licence No.10/2001-02.

62. M/S Modern Wines, Potunuru West Godavari District represented by its Licencee K.Venkata Raju, s/o Pichi Raju, aged 49 years, resident of Pothunuru West Godavari District, Licence No.85/1998-99.

63. M/S Fine Wines, Kovarli West Godavari District, represented by its Licencee A.V.Ramanjaneyulu, s/o Arjunarao, aged 35 years, resident of Kovalli West Godavari District, Licence No.87/1998-99.

64. M/S Jolly Wines, Denduluru, West Godavari District, represented by its Licencee A.Somaraju, s/o Malapa Raju, Aged 52 years, resident of Eluru,WestGodavari District Licence No.83/1998-99.

65. M/S Amma Wines, Kuchinapudi West Godavari District represented by its Licencee S.Mohini W/o Subarao, aged 55 years, resident of Eluru West Godavari District, Licence No.18/2002-03.

66. M/s. Sri Vinayaka Wines, Makkinavarigudem, West Godavari District represented by its Licencee S.Srinivasarao, s/o Subbarao, aged 38 years, resident of Eluru, West Godavari District, Licence No.04/2002-03.

67. M/S Srivalli Wines, Tanuku, West Godavari District represented by its Licencee S.Srivalli w/o Srinivasarao, aged 27 years, resident of Eluru, West Giodavari District. Licence No.07/2003-04.

**..... PETITIONERS**

**AND**

1. The commissioner for prohibition and Excise Hyderabad.

2. Deputy Commissioner for prohibition and Excise Kakinada, East Godavari District.

3. Assistant Commissioner for prohibition and Excise Vijayawada.

4. TheProhibition and Excise Superintendent West Godavari District at Eluru.

5. S.H.O Prohibition and Excise Station Eluru, West Godavari District.

6. S.H.O. Prohibition and Excise Station, Chintalapudi, West Godavari District.

7. SHO Prohibition and Excise Station Jangareddygudem,l West Godavari District.

8. S.H.O. Prohibition and Excise Station Tanuku, West Godavari District.

9. S.H.O. Prohibition and Excise Station, Bhimadole, West Godavari District.

10. S.H.O. Prohibition and Excise Station Tadepalli Gudem, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings of the1st respondent i.e., Comissioner of prohibition and Excise in Cr.No.C5/5124/2002/DPF dasted 10.1.2003 as wholly without jurisdiction illegal

and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMRP rates.

**Counsel for the Petitioners:G.JHANSI**

**Counsel for the Respondents : GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION NO : 19947 of 2003**

Between:

M/s Sri Nookambica Wines., Thallapalem rep.by its Proprietor.Dhanunjay s/o Ramakotayya., R/o Thallapalem,

Anakapalli, Visakhapatnam District.

..... PETITIONER

**AND**

1. The Commissioner for Prohibition and Excise, Government of Andhra Pradesh, Hyderabad.

2. The Deputy Commissioner for Prohibition and Excise., Visakhapatnam.

3. The Sub-Inspector Prohibition & Excise., Anakapalle., Visakhapatnam District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more especially one in the nature of Writ of Mandamus declaring the proceedings of the Ist respondent i.e., Commissioner for Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated
10-1-2003 and the directions of the Deputy Commissioner Prohibition and Excise, Visakhapatnam dated
29-08-2003 and the consequential proceedings in File No.36/2003-2004 of the Prohibition and Excise Sub-Inspector, Anakapalli, in respect of the petitioner shop as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMRP rates.

**Counsel for the Petitioner:MR.P.SRI RAGHU RAM**

**Counsel for the Respondents:.G.P.FOR PROHIBITION AND EXCISE.**

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**WRIT PETITION NO : 20279 of 2003**

Between:

1. Srivenkata Rama Wines., Sarasapalli Licence No.32-2002-

2003 rep.by its Proprietor, Bh Ramakrishna

S/o. Appalanaidu, aged 38 years., R/o Anakapalli.,

Visakhapatnam District.

2. Manohara Wines., Bayyavaram Licence No.283/98-99, rep.by its proprietor K.Sita Ram, s/o Venkata Ramana Aged 49, R/o Anakapalli., Visakhapatnam District.

3. Sri Sai Wines., Thallapalem., Licence No.237/98-99, rep.by its Proprietor Satyanarayana, s/o Appa Rao R/o Mungapaka, Anakapalli.,Visakhapatnam District.

4. M/s.Venkateswara Bar & Restaurant Licence No.98/2001-2002 rep.by its Proprietor K.Jaggarao, s/o Nookayya R/o Anakaplli., Visakapatnam District.

5. M/s.Sri Nookambica Wines., Thallapalem Licence No.30/2002-2003, rep.by its Prop.K.Umamaheswara Rao S/o Krishnamurthy., Aged 36 years, R/o Visakhapatnam.

6. M/s Sri Balaji Wines, Licence No.528/98-99 rep.by its Proprietor S.Govinda Rao s/o Venkata Ramana,Aged 27 years, R/o Anakapalli., Visakhapatnam District.

7. M/s Manohara Bar & Restaurant Licence No.56/2001-2002 rep.by its Prop.K.P.Jaganadha Rao, s/o Venkata Ramana.,Aged 44 years, R/o Anakapalli., Visakhapatnam District.

8. Manohara Wines., Narasingapeta Licence No.280/98-99

rep.by its Prop.P.Apparao, s/o Jagannadham, Aged 66

years, R/o Anakapalli., Visakhapatnam District.

9. Sri Nookambica Wines., Koduru Licence No.310/98-99,

rep.by its Prop.A.Sankara Rao, s/o Nookaraju,38 years,

R/o Anakapalli., Visakhapatnam District.

10. Manohara Wines., BRT Colony., Licence No.293/98-99,

rep.by its Prop.K.Bhaskara Rao, s/o Suri Appa Rao., Aged

41 years, R/o Anakapalli.,Visakhapatnam District.

11. Sai Durga Wines, Kasimkota Licence No.606/98-99,

rep.by its Prop.K.Adinarayana, s/o Suryanarayana,Aged

40 years, R/o Kasimkota., Anakapalli., Visakhapatnam

District.

12. Preethsai Wines., Kasimkota Licence No.500/2001-2002

rep.by its Prop.P.Haritha, w/o Shyam Ganesh, 24 years,

R/o Anakaplli., Visakhapatnam District.

13 Naidu Wines.,Kasimkota Licence No.467/98-99,rep.by its

Prop.K.Kondala Rao, S/o. Adinarayana., Aged 44 years,

R/o Anakapalli., Visakhapatnam District.

14 Sri Laxmi Wines., Kasimkota., Licence No.282/98-99

rep.by its Prop.G.Dhanalaxmi, w/o R.K.Prasad., Aged 45

years, R/o Anakapalli., Visakhapatnam District.

15 Devadas Wines., Rebaka Licence No.402/98-99.,rep.by its

Prop.Levati Chinnam Naidu, Aged 45,

years,,R/oRebaka.,Anakapalli., Visakhapatnam.

16. Sri Sai Wines., Gopalapuram., Licence No.234/98-99,

rep.by its Prop.KVVSG Naga Srinivasa Rao
S/o Satyanarayana, R/o Gangadevi peta.,

Anakapalli, Visakhapatnam.

17. Sri Balaji Wines., Akkireddipalem Licence No.382/98-99,

rep.by its prop.K.Sanyasamma, w/o Venkataramana,

Aged 40 years, R/o Anakapalli, Visakhapatnam.

18. Sri Balaji Wines, Licence No.530/98-99, rep.by its Prop.K.Sanjeeva Rao, s/o Sanyasi,Aged 47 years, R/o Kothuru Village., Anakapalli., Visakhapatnam.

19. Rama Wines., Sabbavaram, Licence No.424/98-99.,rep.by its Prop.P.Ammiraju, s/o Seshagiri Rao., Aged 34 years, R/o Gottivanipalem., Anakapalli., Visakhapatnam.

20. Nookambikca Wines., Parawada Licence No.291/98-99.,rep.by its Prop.B.Mahalaxmi Naidu, s/o Gopinaidu.,Aged 54 years, R/o Anakapalli., Visakhapatnam.

21. Naidu Wines., Gollapalli Licence No.554/98-99.,rep.by its Prop.Nakkla Appalaraju, s/o Sanyasayya,Aged 28 years, R/o Ramalingapuram., Anakapalli., Visakhapatnam.

22. Sai Kiran Wines., Salapuvanipalem Licence No.602/98-99.,rep.by its Prop.S.Srirama Chandramurthy,S/o S.Pydithally, 28 years, R/o Salapuvanipale.,Anakapalli., Visakhapatnam.

23. Naidu Wines., Kondakarla Junction Licence No.330/98-99, rep.by its Prop.P.Srinivasa Raju,s/o Nookaraju, Aged 31 years, R/o Anakapalli., Visakhapatnam.

24. Shree Balaji Wines.,Haripalem Licence No.541/98-99, rep.by its Prop.B.Ramu, s/o Ramana., Aged 45 years, R/o Anakapalli., Visakhapatnam.

25. Sree Balaji Wines., Thimmrajupeta Licence No.493/98-99, rep.by its Prop.K.Gopi Krishna, s/o Sanyasi

Naidu., Aged 45 years, R/o Anakapalli.,

Visakhapatnam.

26. Manohara Wines., Chouduwada Licence No.572/98-99, rep.by its Prop.Bh.Seetharamaraju, s/o Sreerama Murthy Raju, Aged 34 years, R/o Chodavaram, Anakapalli., Visakhapatnam.

27. Naidu Wines, K.Kotapadu Licence No.284/98-99, rep.by its Prop.Dogga Tatababu, s/o Sanni Babu., Aged 33 years, R/o Podugupalem., Anakapalli., Visakhapatnam.

28. Sri Sai Wines, K.Kotapadu Licence No.519/98-99, rep.by its Prop.Kotana Satyam, s/o Tatababu, Aged 30 years, R/o Atchi Reddipale., Anakapalli., Visakhapatnam.

29. Balaji Wines., K.Kotapadu Licence No.663/98-99, rep.by its Prop.Sreeram Reddy, s/o Venkubabu, Aged 35 years, R/o Chintalapalem., Anakapalli., Visakhapatnam.

30. Madhuri Wines.,Gullapalli, Licence No.1/2002-2003, rep. by its Prop.Arivara Prasad, s/o Rama Rao R/o Gajuwaka., Visakhapatnam.

31. Rajeswari Wines., Anandapuram Licence No.17/98-99, rep.by its Prop.Kilaparthy Bhaskara Rao, s/o Suri Apparao., r/o Devarapalli., Visakhapatnam.

**.....PETITIONERS**

**AND**

1. The Commissioner for Prohibition & Excise Government of Andhra Pradesh., Hyderabad.

2. The Deputy Commissioner for Prohibition & Excise., Visakhapatnam.

3. The Superintendent (Prohibition & Excise) Visakhapatnam., Visakhapatnam District.

4. The Sub-Inspector Prohibition & Excise Visakhapatnam., Visakhapatnam District.

5. The Sub Inspector (Prohibition & Exicise) Chodavaram., Visakhapatnam.,District.

6. The Sub-Inspector (Prohibition & Excise) Yellamanchili., Visakhapatnam District.

7. The Sub-Inspector (Prohibition & Excise) Sabbavaram., Visakhapatnam District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more especially one in the nature of Writ of Mandamus declaring the proceedings of the Ist respondent i.e.,Commissioner for Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated
10-01-2003 and the directions of the Deputy Commissioner Prohibition and Excise, Visakhapatnam dated
26-08-2003 and as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMRP rates.

**Counsel for the Petitioners: MR.P.SRI RAGHU RAM**

## Counsel for the Respondents:GP FOR PROH. & EXCISE

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**WRIT PETITION NO : 20899 of 2003**

Between:

1. M/s.Sri Sai Ganesh Wines, L.No.14/98-99, rep., by its Proprietor M.Surya Narayana Raju, s/o Appala Raju, aged 42 years, r/o Chodavaram, Visakhapatnam Dist.,

2. M/s.Venkateswara Wines, L.No.629/98-99, rep., by its proprietor A.V.N.Raju, S/o Rama Raju,36 years, r/o Chodavaram, near Old Bus Stand, Visakhapatnam Dist.

3. M/s.Gouthami Wines, L.No.573/98-99, rep., by its proprietor K.L.G. Bhaskar Reddy, s/o Satyanarayana Reddy, aged 44 years, r/o China Bazar, Chodavaram, Visakhapatnam Dist.

4. M/s.Naidu Wines, L.No.15/98-99, rep., by its proprietor T. Rama Koti, s/o Sanyasi Naidu, aged 33 years, r/o. Chodavaram, Visakhapatnam Dist.

5. M/s.Ratnam Wines, Chodavaram, L.No.06/2002-2003 rep., by its proprietor, M.Sanyasi Naidu, s/o Suribabulu, 28 years, r/o Anakapalli, Visakhapatnam Dist.

6. M/s. Sri Sai Wines, Lakkavaram, L.No.686/98-99, rep., by its proprietor G.Sreedevi, w/o Madhu Naidu, aged 35 years, r/o Chodavaram, Visakhapatnam Dist.

7. M/s. Saradha Wines, Govada, L.No.408/98-99, rep., by its proprietor, V. Narasimha Murthy, S/o Mutyala Naidu, aged 58 years, r/o Govada, Chodavaram Mandal, Visakhapatnam Dist.

8. M/s. Sri Padma Wines, L.No.13/98-99 rep., by its Proprietor, G.Sankara Rao, s/o Satyanarayana,aged 38 years, r/o Vehama Street, Chodavaram, Visakhapatnam Dist.

9. M/s.Rama Krishna Wines, L.No.407/98-99, rep., by its Proprietor G.Venkata Satyanarayana, s/o Venkata

Ramana,aged 40 years, r/o Old Bus Stand,

Chodavaram, Visakhapatnam Dist.

10. M/s.Venkateswara Wines, Nakkapalli, L.No.372/98-99,

rep. by its Proprietor D.Raja Gopala Raju,
s/o Suryanarayana Raju,aged 33 years, r/o Rambilli,

Visakhapatnam Dt.,

11. M/s.M.N.R.Wines, L.No.494/2001-2002 rep., by its

Proprietor, M.V.Satyanarayana Murthy, s/o Narayana

Rao,aged 28 years, r/o Nakkapalli, Visakhapatnam Dt.

12. M/s. Steel City Beer & Wines, L.No.607/98-99 rep., by its

Proprietor B.Rama Krishna Raju, s/o Varadha Raju,aged

27 years, r/oDesapathrunipalem, Chodavaram Mandal, Visakhapatnam District.

13 M/s.Durga Wines, Desapatrunipalem, L.No.182/98-99, rep.,

by its proprietor Ch.Jyothi Srinivas, s/o Krishna Rao, aged 28

years, r/o Kurmanapalem, Visakhapatnam District.

**....PETITIONERS**

**AND**

1. The Commissioner for Prohibition and Excise Government of Andhra Pradesh, Nampally, Hyderabad.

2. Deputy Commissioner for Prohibition and Excise, Visakhapatnam.

3. Assistant Commissioner for Prohibition and Excise Visakhapatnam.

4. The Prohibition and Excise Superintendent, Visakhapatnam.

5. Sub-Divisional Prohibition and Excise Officer,

Chodavaram, Visakhapatnam District.

6. S.H.O., Prohibition and Excise Station, Chodavaram, Visakhapatnam Dt.

7. S.H.O., Prohibition and Excise Station, Nakkapalli, Visakhapatnam District.

8. S.H.O., Prohibition and Excise Station, Sabbavaram, Visakhapatnam District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to to issue a writ, order or direction more especially one in the nature of writ of mandamus declaring the proceedings of the 1st respondent i.e., Commissioner for Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated
10-1-2003 and the directions of the Deputy Commissioner, Prohibition and Excise, Visakhapatnam dated
26-8-2003 and as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMRP rates.

**Counsel for the Petitioners : G.JHANSI**

**Counsel for the Respondents:GP FOR PROHIBITION AND EXCISE.**

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**WRIT PETITION NO : 21001 of 2003**

Between:

1. M/s. Durga Wines, Sabbavarm, L.No.19/98-99
Gore Atcham Naidu, son of Appalanaidu, 32 years, r/o.

Gorlavaripalem, Visakhapatnam .

2. M/s. Vinayaka Wines, Sabbavarm, L.No.478/98-99

G.Ammaji, wife of Atcham Naidu, r/o Gorlavaripalem

Viskhapatnam.

3. Sri Sai Wines, Sabbavaram, L.No.37/98-99,Katama Ramu,

Son of Ankineedu, aged 42 years, r/o. Sabbavaram,

Visakhapatnam.

4. Friends Wines, Sabbavaram L.No.37/98-99, Gandi Narayana

Babu, son of Simhachalam, aged 50 years, r/o.

Sabbavaram, Visakhapatnam.

5. Venkateswara Wines, L.No..171/98-99,

G.Umamaheswara Rao Son of Appalanaidu, aged 36 years,

r/o. Sabbavaram, Visakhapatnam .

6. Sri Durga Wines, Adireddypalem L.No.22/2002-03,
Gandi Satyanarayana,son of Narasayya, aged 36 years, r/o.

Gondivanipalem, Visakhapatnam

7. Durga Wines, L.No.18/98-99, Salapu Venkateswara Rao, son

of China Appalanaidu, aged 37 years, r/o Gothuwada,
Visakhapatnam.

8. Sri Sri Syndicate Wines,Sabbavaram L.No.186/98-99,
Lalam Umamaheswara Rao, son of Satyanarayana, Aged 27

years, r/o. Pedanaidupalem, Visakhapatnam.

9. Sri Sri Wines, Aripaka L.No.172/98-99, Sabbavarapu

Narayana, son of Pydam Naidu,27 years, r/o

Rakalammapalem Visakhapatnam.

10. Sri Sri Wines, Antakapalli L.No.188/98-99,
Sabbavarpu Mutyalanaidu, son of Pydamnaidu, aged 32

years, resident of Rakalammapalem, Visakhapatnam .

11. Durga Wines, L.No.494/2000-01, Gothina Ramesh

Venkateswara Rao, son of Appalanarasasyya, 32 years,

r/o. Anakapalli, Visakhapatnam.

**....PETITIONERS**

**AND**

1. The Commissioner for Prohibition & Excise, Govt.of A.P., Hyderabad.

2. The Dy.Commissioner for Prohibition & Excise Visakhapatnam.

3 The Asst.Commissioner, Endorcement, Visakhapatnam

4 The Suptd.(Prohibition & Excise) Visakhapatnam

5. The Sub Division Prohibition & Excise officer, Visakhapatnam

6. The Inspector Prohibition & Excise, Narsipatnam,Visakhapatnam

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more especially one in the nature of writ of mandamus declaring the proceedings of the 1st respondent i.e., Commissioner for prohibition and Excise in Cr.No.C5/5124/2002/DPE, dt.10-1-03 and the directions of the deputy commissioner prohibition and Excise, Visakhapatnam dt. 26-8-2003 and as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMPR rates.

**Counsel for the Petitioner:MR.P.SRI RAGHU RAM**

**Counsel for the Respondents: G.P. for Prohibition & Excise.**

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**WRIT PETITION NO : 21122 of 2003**

Between:

1. M/s. Surya Wines, L.No. 25/00-01, Rep. by its Licencee,
P. Venkata Ramana Gupta, S/o. Chinna Satyanarayana,
45 years R/o. Main Road, Narsannapeta, Srikakulam District.

2. M/s. Laxmi Wines, L.No. 21/98-99, Rep. by its Licencee,

P. Harnadha Rao, S/o. Narsimhulu R/o. Narsannapeta,

Srikakulam District.

3. M/s. Soundarya Wines, L.No. 28/00-01, Rep. by its

Licencee, P. Siva Prasad, S/o. P. Chandra Bhushanam,

44 years, R/o. Main Road, Narsannapeta, Srikakulam

District.

4. M/s. Padma Priya Wines,L.No. 121/98-99,Rep. by its

Licencee, B. Nagayya, S/o. late Venkata Ramanayya,
46 years,R/o. Main Road, Narsannapeta, Srikakulam

District.

5. M/s. Vijaya Laxmi Wines,L.No. 34/98-99,Rep. by its

Licencee, J. Govinda Rao, S/o. Satyanarayana,
R/o. Main Road, Narsannapeta, Srikakulam District.

6. M/s. Reshma Wines, L.No. 30/00-01, Rep. by its Licencee,

M. Latha, W/o. Srinivasa Rao, aged 35 years, R/o. Main

Road, Narsannapeta, Srikakulam District.

7. M/s. Surya Wines, L.No. 90/98-99, Rep. by its Licencee,

S. Krishna Babu, S/o. Laxminarayana, Aged 37 years,

R/o. Main Road, Narsannapeta, Srikakulam District.

8. M/s. Devi Wines, L.No.9/01-02, Rep. by its Licencee, R.

Raja Babu, S/o. Bala Krishna Murhty,Aged 50 years,
R/o. Main Road, Narsannapeta, Srikakulam District.

9. M/s. Sri Devi Wines, L.No. 35/98-99, Rep. by its Licencee,

M. Venkata Ramanayya, S/o. Laxminarayana,5 years,
R/o. Bazar Veedhi, Narsannapeta, Srikakulam District.

10. M/s.Bhagya Laxmi Wines,L.No.61/98-99, Rep. by its

Licencee, A. Padma Raju, S/o. Chandrayya,
R/o. Bazar Veedhi, Narsannapeta, Srikakulam District.

11. M/s.Pydimamba Wines,L.No. 38/00-01, Rep. by its

Licencee, S. Sanyasi Rao, S/o. Narasimhulu,aged 38 years,
R/o. Bazar Veedhi, Narsannapeta, Srikakulam District.

12. M/s. Bhavani Wines, L.No. 5/01-02, Rep. by its .Licencee,

P. Laxmi, W/o. Rameshwara Rao, R/o. Narsannapeta,

Palati Mandal, Srikakulam District.

13. M/s. Devi Wines, L.No. 24/00-01, Rep. by its Licencee,
I. Rama Rao, S/o. Sri Ramulu,Aged 45 years,
R/o. Narsannapeta, Palati Mandal, Srikakulam District.

14. M/s. Ratnam Wines, L.No. 40/01-02, Rep. by its Licencee,

B. Venkat Rao, S/o. Appa Rao, R/o. Chellavaripeta Jn.,

Salur Mandal, Srikakulam District.

15. M/s. Uma Wines, L.No. 115/98-99, Rep. by its Licencee,
D. Swamy Babu, S/o. Appala Swamy, Aged 35 years,R/o.

Chellavaripeta Jn., Salur Mandal, Srikakulam District.

16. M/s. Durga Wines, L.No. 45/02-03, Rep. by its Licencee,

P. Rama Chandra Rao, S/o. Bodanna, Aged 42 years, R/o.

Chellavaripeta Jn., Salur Mandal, Srikakulam District.

17. M/s. Sri Laxmi Wines, L.No. 14/01-02, Rep. by its Licencee,

A.A. Prakash Rao, S/o. Aged 38 years, R/o. Jalumuru

mainRoad, Srikakulam District.

18. M/s. Sri Santosh Mata Wines,L.No. 4/00-01, Rep by

Licencee, B. Simhachalam, S/o. Ramulu,Aged 36 years,
R/o. Rama Junction, kotabommali, Srikakulam District.

19. M/s. Wine Corporation,L.No. 491/98-99, Rep. by its

Licensee, S. Satyakishore, S/o. late Narayana Rao,
R/o. Bowdaram Road, Visakhapatnam.

20. M/s. Teja Wines, L.No. 139/98-99, Rep. by its Licencee,

K. Suryanarayana Raju S/o.Viswanadha Raju, aged 31 yrs,

R/o. near Manorama Theatre, Visakhapatnam.

21. M/s. New Wine Corporation, L.No. 500/98-99, Rep. by its

Licensee, B. Uma Prasad,S/o.late Kanakaiah,
R/o. Gnanauram, Visakhapatnam,

22. M/s. Sri Sai Naidu Wines, L.No. 506/01-02, Rep. by its

Licencee, S. Manohar, S/o. late Narayana Rao,Aged 28

years, R/o. NAC Kotha Road, Visakhapatnam,

23. M/s. Sri Laxmi Wines, L.No. 3/00-01, Rep. by its Licencee,

K. Eswar Rao, S/o. Kondaiah, R/o. Budithi, Sovakota

Mandal, Srikakulam District.

24. M/s.Nookambica Wines, L.No. 18/00-01, Rep. by its

Licencee, C.D.V. Rama Rao, S/o. Satyanarayana Murthy,
R/o. Patapatnam, Pittiyaputti Mandal, Srikakulam District.

25. M/s. Sri Ganesh Wines, L.No. 10/00-01, Rep. by its

Licencee P. Eswara Rao, S/o. Appa Rao, R/o.

Santhabommili, Srikakulam District.

26 M/s. Bhaskara Beer & Wines, L.No.19/00-01, Rep. by its

Licencee, J. Bhaskar Rao, S/o. J.Krishna Murthy,
R/o. Kesava Rao Peta, Hetchala Mandal, Srikakulam

District.

27. M/s. Pydithalli Wines, L.No. 12/01-02, Rep. by its Licencee

G. Jagan Mohan Rao, S/o. G. Rama Murthy, aged 30 years,

R/o. Ragole, Srikakulam District.

28. M/s. Sai Beer & Wines, L.No. 1/02-03, Rep. by its Licencee,

G. Appalachari, S/o. G. Satyanarayana,Aged 39 years, R/o.

Peddapadu, Srikakulam District.

29. M/s. Sri Ganesh Wines, L.No. 8/01-02, Rep. by its

Licencee, D. Shivaji, S/o. Pydinaidu, aged 36 years, R/o.

Tekkali, Srikakulam District.

30. M/s. Venkatasai Wines, L.No. 17/01-02,

Rep. by its Licencee, A. Ravi Shankar, S/o. Laxman Sharma,

Aged 33 years, R/o. Kallepalli, Srikakulam District.

**.....PETITIONERS**

**AND**

1. The Commissioner for Prohibition and Excise, Government of

Andhra Pradesh, Nampally, Hyderabad.

2. Deputy Commissioner of Prohibition & Excise,
Visakahapatnam.

3. The Prohibition and Excise Superintendent, Srikakulam.

4 The Prohibition and Excise Superintendent, Visakahapatnam.

5. S.H.O. Prohibition and Excise Station, Narsannapeta,
Srikakulam District.

6. S.H.O. Prohibition and Excise Station, Kotabommili,
Srikakulam District.

7. S.H.O. Prohibition and Excise Station,

Srikakulam Town, Srikakulam District.

8. S.H.O. Prohibition and Excise Station, Patapatnam,
Srikakulam District.

9. S.H.O. Prohibition and Excise Station, Tekkali,
Srikakulam District.

10. S.H.O. Prohibition and Excise Station, Circle I,

Visakhapatnam.

11. S.H.O. Prohibition and Excise Station, Circle II,

Visakhapatnam, Visakahapatnam.

12. S.H.O. Prohibition and Excise Station, Circle IV,

Visakhapatnam, Visakahapatnam.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more especially one in the nature of writ of Mandamus declaring the proceedings of the first respondent i.e., Commissioner for prohibition and Excise in Cr.No.C5/5124/2002/DPE dated
10-1-2003 and the directions of the Deputy Commissioner, prohibition and Excise, Visakhapatnam dated 26-8-2003 and as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMRP rates.

**Counsel for the Petitioners: G.JHANSI**

**Counsel for the Respondents : G.P. for Prohibition & Excise.**

**WRIT PETITION No.21358 of 2003**

Between:

1. M/s.Sai Krishna Wines, L.Kota Vizianagaram District, represented by its Licencee Viswanatha Ravi Kumar, s/o Jagannadharao, 33 years, resident of L.Kota, Vizianagaram District.

2. M/s. Sai Liketha Wines, Jammadevipeta,

L.Kota Mandal, Vizianagaram District,

Rep. by its Licencee Viswanatha Appala Narayana,

S/o. Late Ganganna, aged 58 years, resident of L.Kota,

Vizianagaram District.

3. M/s. Lakshmi Wines, Jammadevipeta,
L.Kota Mandal,Vizianagaram District,

Rep. by its Licencee G. Satyarao S/o Apparao,
aged 50 years, resident of L.Kota, Vizianagaram District.

4. M/s. Paradesamma Wines, Beemali L.Kota Mandal, Vizianagaram

District, represented by its licencee M.Venkataramana
S/o Satyam, aged 35 years, resident of Beemali, L.Kota Mandal,

Vizianagaram District.

5. M/s. Jayalakshmi Wines, Chanduluru,
L.Kota Mandal,Vizianagaram District
rep.by its Licencee Chukka Varaprasad, s/o Satyam,
aged 40 years, resident of L.Kota, Vizianagaram District.

6. M/s.Golden Wines, Kottavalasa, Kottavalasa Mandal, Vizianagaram District, represented by its Licencee, K.K.Maheswararao, s/o Demudu, aged 38 years,
resident of Kotavalasa, Vizianagaram District.

7. M/s. Naidu Wines, Kottavalasa, Vizianagaram District, represented by its Licencee B. Swaminaidu s/o Sanyasi Naidu, aged 40 years, resident of Kotavalasa, Vizianagaram District.

8. M/s.Varalakshmi Wines, Tummakapalli, Kotavalasa Mandal, Vizianagaram District, represented by its Licencee S.Satti Babu, s/o Satyam, aged 38 years, resident of Kottavalasa, Vizianagaram District.

9. M/s. Ravi Wines, Kotavalasa, Kottavalasa Mandal Vizianagaram District, represented by its Licencee
P.Venkata Krishna Rao, s/o Gopalarao, aged 35 years, resident of Kottavalasa, Vizianagaram District.

10. M/s Divya Sai Wines, Kotavalasa, Vizianagaram District, represented by its Licencee C.B.Bhaskararao,
s/o Satyanarayana, aged 33 years, resident of Kotavalasa, Vizianagaram District.

11. M/s. Venkateswara Wines, Kottavalasa, Vizianagaram District, represented by its Licencee A.A.N. Anantha Krishna, s/o Anantha Narayana, aged 33 years, resident of Kotavalasa,Vizianagaram District.

12. M/s. Sri Venkata Satya Rama Wines, Kottavalasa, Vizianagaram District, represented by its Licencee G.Suryanarayana s/o late Demudu aged 50 years, resident of Kotavalasa, Vizianagaram District.

13. M/s Vikram wines, Kotavalasa, Vizianagaram District, represented by itsLicencee B.Mahendra, s/o Nookaraju,
aged 35 years, resident of Kottavalasa, Vizianagaram District.

14. M/s Mentada Wines, Mentada Mandal,Vizianagaram District, represented by its Licencee M. Kameswararao,
s/o Venkataraju,aged 38 years, resident of Mentada,Vizianagaram District.

15. M/s Venkateswara Wines, Pedamedapalli Mentada mandal,Vizianagaram District, represented by its Licencee B.V.S.Ramana Murthy, s/o Sanyasi Naidu,aged 40 years, resident of Mentada,Vizianagaram District.

**..... PETITIONERs.**

**AND**

1. The Commissioner for Prohibition and Excise Hyderabad.

2. The Deputy Commissioner for Prohibition and Excise,Visakhapatnam.

3. The Prohibition and Excise Superintendent,Vizianagaram.

4. The Asst. Prohibition and Excise Superintendent, Vizianagaram.

5. The S.H.O., Prohibition and Excise Station, Kotavalasa, Vizianagaram District.

6. The S.H.O. Prohibition and Excise Station, Gajapathinagaram,Vizianagaram District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be leased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings of the first respondent i.e., Comissioner of Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated 10-1-2003 and the directions of the Deputy Commissioner, Prohibition and Excise Visakhapatnam dated 26-8-2003 as wholly without jrusdiction, illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licencee by insisting on RMRP rates.

**Counsel for the Petitioners: MR.O.MANOHER REDDY**

**Counsel for the Respondents: GP FOR PROHIBITION AND EXCISE.**

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**WRIT PETITION No.21379 of 2003**

Between:

1. M/s. Venkata Padmavathi Wines, I.L.24, License No.94/98-99, D.No.3-34,L.Kota, (V&M)Vizianagaram District, represented by its Licencee M.Sanjeevarao,

s/o Mallikarjunarao,aged 50 years, r/o S.Kota(V&M) Vizianagaram district..

2. M/s. Balaji Wines, I.L.24,license no.92/98-99 Santhapeta (V), L.Kota Mandal,Vizianagaram District, represented by its licence P.Srenivasarao,s/o Venkataramana Murthy,aged about 40 years, r/o L.Kota(V.M.) Vizianagaram District.

3. M/s Satya Wines, I.L.24, License No.186/98-99 D.No.5-11, Kothavalasa(V&M), Vizianagaram District, represented by its licensee Jami Venkata Ramana, s/o Simhachalam,aged about 40 years, R/o Kothavalasa, (V&M), Vizianagaram District.

4. M/s. Sai priya Wines, I.L.24,License No.102/98-99, D.No.3-112, Chinthalapalam junction, Kothavalasa, (M) Vizianagaram Distrrict, represented by its licensee Boddapu Satyam, s/o Meesalu,aged about 35 years, R/o Chinthalapalam (V) Kothavalasa,(M) Vizianagaram District.

5. M/s. Sri Vijaya Durga Wines, I.L.24, Licence No.42/98-99 Kothavalasa,(V&M) Vizianagaram District, represented by its licensee Mopada Pydithalli, s/o late Ramulu,aged about 35 years, r/o Kothavalasa,(V&M), vizianagaram District.

6. M/s. Kranthi wines, I.L.No.24, License No.241/98-99 Kothavalasa (V&M), Vizianagaram District, represented by its license Koruvada Prasadarao,s/o Satyam, resident of kothavalasa, (V&M) Vizianagaram District.

7. M/s. Vijaya Durga Wines, I.L.24, Chipurupalli, (V&M) Vizianagaram District, represented by its licensee S.V.Kameswararao, s/o Adinarayana, resident of Chipurupallii,Vizianagaram District.

8. M/s. Sri Vinayaka wines, I.L.24, Garividi village,Chipurupallimandal, Vizianagaram Distric t, represented by its licensee S.V.Satyanarayanaq, s/o Bhaskararao, resident of Garividi, Vizianagaram District.

9. M/s Venkateswara Wines, I.L.24, Garividi village,Chipurupalli(M) Vizianagaram District, represented by its licensee P.V.K.Raju, S/o. Appala Narasimharaju, resident of Garividi, Vizianagaram District.

10. M/s Sri Rama Wines, I.L.24, Chipurupali village and mandal,Vizianagaram District, represented by its licensee S.Ramarao, s/o, Sreeramulu, resident of Chipurupalli,Vizianagaram District.

11. M/s.Vijetha Vinayaka wines, I.L.24, Chipurupalli, (V&M) Vizianagaram District, represented by its licensee D.Seetharamraju, s/o D.Suryanarayana, resident of Chipurupalli (V&M)Vizianagaram District.

12. M/s. Nataraj Wines, I.L.24, Chipurupallii(V&M) Vizianagaram District, represented by its licensee Achanta Ramachandrarao, s/o Narasaiah, resident of Chipurupalli(V&M) Vizianagaram District.

13. M/s S.K.M.L.Wines, I.L.24, Chipurupalli(V&M), Vizianagaram District, represented by its licensee K. Jayalakshmi, w/o Anandarao, resident of Chipurupali, Vizianagaram District.

14. M/s Sri Laxmi Wines, I.L.24, license bearing No.11/2002/01, Chipurupalli village,Chipurupalli Mandal, Vizianagaram District, represented by its Licensee S.Nagendrarao,s/o Somulu,aged about 28 years, resident of Bobbili village and Mandal, Vizianagaram District.

15. M/s. Vijayalaxmi wines, I.L.24, license bearing No.97, Mettapalli village, Chipurupalli mandal, vizianagaram district, represented by its licensee K.Govindha rao, s/o Suryanarayana, resident of Mettapalli village, Vizianagaram District.

16. M/s. Polamamba wines, I.L.24, license bearing No.22, Garavidi Mandal, Vizianagaram District, represented by its licensee Pampana Chinnarao, son of Rajarao, resident of Thagarapuvlasa, Visakhapatnam District.

17. M/s. Sri Durga Ganesh Wines, I.L.24, license bearing No.14/2002-2003,Vedullavalasa village, Chipurupalli mandal, Vizianagaram District, represented by its licensee Suru Ramakrishna, s/o late Neelakantam, resident of Chipurupalli village and mandal,Vizianagaram District.

18. M/s. Babu Wines, I.L.24, License bearing No.30/98-99, Alajangi village, Bobbili Mandal, Vizianagaram District, represented by its licensee K.Thowdu Babu, son of Narayana,aged about 45 years, resident of Vizianagaram, Vizianagaram District.

19. M/s. Nataraj Wines, I.L.24, License bearing No.13/1998-99, Garavidi, village and mandal, Vizianagaram District, represented by its licensee K.Krishnamraju, son of Narasimharaju, resident of Chipurupalli village and mandal,Vizianagaram District.

**..... PETITIONERS**

**AND**

1. The Commissioner of Prohibition & Excise, Government of AP.Nampalli, Hyderabad.

2. The Deputy Commissioner for prohibition & Excise, Visakhapatnam District.

3. The Prohibition & Excise Superindent, Vizianagaram,Vizianagaram District.

4. The Prohibition & Excise Inspector, Kothavalasa Circle, Kothavalasa,Vizianagaram District.

5. The Prohibition & Excise Inspector, Chipurupalli Circle, Chipurupalli, Vizianagaram District.

6. The prohibition & Excise Inspector, Bobbili Circle, Bobbili, Vizianagaram District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more especially one in the nature of writ of mandamus declaring the proceediongs of the 1st respondent i.e., Commissioner for Prohibition and Excise in Cr.No.C5/5124 /2002/DPE dated
10-1-2003 and the directions of the Dy.Commissioner, Prohibition and Excise, Visakhapatnam dated 26-8-2003 and as wholly without jrusdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licence by insisting on RMRP rates and further proceedings.

**Counsel for the Petitioners: MR.TADDI NAGESWARA RAO**

**Counsel for the Respondents.: GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION NO : 21511 of 2003**

Between:

Kiran Kumar S/o. Late Nageswara Rao, aged about 24 years, residing at Mamidipalli, Vizianagaram District , Licencee of

M/s. Sri Sai Wines.

**..... PETITIONER**

**AND**

1. The Commissioner for Prohibition and Excise, Hyderabad.

2. Deputy Commissioner for Prohibition and Excise ,

Visakhapatnam.

3. The Prohibition and Excise Superintendent, Vizianagaram.

4. SHO, Prohibition and Excise Station, Salur, Vizianagaram

District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ of direction declaring the proceedings of the 1st respondent i.e., Commissioner of Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated 10-1-2003 and the directions of the Deputy Commissioner, Prohibition and Excise Visakhpatnam dated 26-8-2003 and the proceedings of the 3rd respondent issued in Rc.No.1023/2003/A2-8 dated 19-9-2003 as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respodnents not to interfere with the sales of the petitioner licensee by inisting on RMRP rates .

**Counsel for the Petitioner: MR. A.JAGANNATHA RAO**

**Counsel for the Respondents. : GP FOR PROHIBITION AND EXCISE.**

**WRIT PETITION No. : 21550 OF 2003**

Between:

1. M/s.Sri Venkatewara Wines,Nandigam, represented by its Licencee, Priya Tirumala Rao s/o P.Shanmuka Rao Peta Tekkali, Vajrapukotturu Mandal,Srikakulam Dist

2. M/s.Sri Kottammatalli Wines, Pundi, represented by its Licencee karri ramarao, son of Kurmayya, aged 38 years, Pundi R.S. Vajrapu kotturu Mandal, Srikakulam Dist.

3. M/s.Sri Kottammatalli Wines, Manchinellapeta, represented by its Licencee Perada Yugandar, son of Sanyasira, yuganadar
s/o sanyasi Rao, aged 33 years, Pundi R.S. Vajrapukotturu Mandal, Srikakulam Dist.

4. M/s. Venkateswara Wines,Pata Tekkali, represented by its Licencee, Dunna Chiranjeevulu, S/o. Prasada Rao, aged 30 years, resident of Vajrapukotturu Mandal,Srikakulam Dist.

5. M/s.Sri Santoshi Wines, Vajrapukotturu, represented by its Licenee, Kadambala Gopala Chowdary, s/o Jagannaikulu, aged 45 years, resident of Vajrapukotturu,Srikakulam District.

6. M/s. Sri Mankinama Wines, Vajrapukotturu, represented by itsLicencee, Dadi Ganesh, S/o Appala Naidu Gavara Palam, Anakapalli, Visakhapatnam.

7. M/s. Sri Venkateswara Wines P.M. Puram (Pundi R.S) represented by its Licencee, T.Ashok Chakavarthy, s/o Neelagiri, Aged 43 years, resident of P.M. Puram, Vajrapu Kotturu Mandal Srikakulam Dist.

8. Sri Sai Srinivasa Wines, Nandigam, represented by its Licencee, Maddi Ramana Murthy, S/o Gunnayya, 40 years, Hari Puram, Mandasa Mandal, Srikakulam Dist.

9. Sri Sai Ram Wines, Amaklapadu,represented by its Licencee, Pallam Srinivasa Rao, s/o Venkayya,
aged 35 years, Resident of Pundi R.S. Vajrapukioturu Mandal Srikakulam District.

**..... Petitioners.**

**And**

1. The Commissioner for Prohibition and Excise, Hyderabad.

2. The Deputy Commissioner for Prohibition and Excise, Visakhapatnam.

3. The Prohibition and Excise Superintendant, Srikakulam.

4. The Asst.Prohibition and Excise Superintendent, Srikakulam.

5. The SHO Prohibition and Excise Station, Tekkali, Srikakulam Dist.

6. The SHO, Prohibition and Excise Station, Palasa, Srikakulam Dist.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 1st respondent i.e., Commissioner of Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated 10-1-2003 and the directions of the Deputy Commissioner, Prohibition and Excise, Visakhapatnam, dated 26-8-2003 as wholly without jurisdiction, illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioners licences by insisting on RMRP rates.

**Counsel for the Petitioner: MR.S.RAM BABU**

**Counsel for the Respondents: G.P. for Prohibition & Excise.**

**WRIT PETITION NO : 21639 of 2003**

Between:

K.L. Bhaskara Rao S/o late Sanyasi Rao, aged about 35 years,

residing at Badangi, Vizianagaram District, Licencee of
M/s. Om Ganesh Dattasai Wines.

**..... PETITIONER**

**AND**

1. The Commissioner for Prohibition & Excise Hyderabad.
2. The Deputy Commissioner for Prohibition & Excise, Visakhapatnam.

3. The Prohibition & Excise Superintendent Vizianagaram.

4. The SHO Prohibiton & Excise Station, Therlam,

Vizianagaram District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the proceedings of the 1st respondent i.e., Commissioner of Prohibition & Excise in Cr.No.C5/5124/2002/DPE, dt.10-1-2003 and the directions of the Deputy Commissioner, Prohibition & Excise, Visakhapatnam dt.26-8-2003 and the proceedings of the 3rd respondent issued in Rc.No.1023/2003/A2-3, dt.19-9-2003 as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licensee by insisting on RMRP rates.

**Counsel for the Petitioner :MR. A.JAGANNATHA RAO**

**Counsel for the Respondents : GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION No.21640 of 2003**

Between:

1. M/s. Balaji Wines,Gundugolanu, Bhimadolu Mandal,

W.G.District, rep. by its Prop: K. Bhagavannarayana,S/o

Mukharjee, Hindu, 40 years, business, r/o Gundugolanu,

Bhimadolu Mandal, West Godavari District.

2. M/s Sri Gopal Wines, Gundugolanu, Bhimadolu mandal,

West Godavari District, rep. by its Prop: L.Venkateswara

Rao, S/o. Hanmantha Rao, Hindu, 40 years, Business,

resident of Gundugolanu, Bhimadolu Mandal
West Godavari District

**.....PETITIONERS**

AND

1. The Commissioner, Prohibition & Excise, Nampally,

Hyderabad.

2. The Dy. Commissioner for Prohibition & Excise Eluru, West

Godavari District

3. The Prohibition & Excise Superintendent, Eluru, West

Godavari District

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the proceedings of the 1st respondent i.e., Commissioner for Prohibition and Excise in Cr.No.C5/5124/2002/DPE,
dt.10-1-2003 and subsequent action of the respondents in interfering with the sales of the petitioners/licencees pursuant to the said proceedings, as wholly illegal, arbitrary and violative of the principles of natural justice and for a consequential order directing the respondents not to interefere with the sales of the petitioners/licencees by insisting on RMRP rates.

**Counsel for the Petitioners: MR.CH.DHANAMJAYA**

**Counsel for the Respondents :GP FOR PROHIBITION & EXCISE**

**WRIT PETITION NO : 21776 of 2003**

Between:

M.Sriramulu Naidu, son of Suryanarayana, aged about 45 years, residing at Parvathipuram, Vizianagaram District,Licencee of
M/s. Saptagiri wines.

**..... PETITIONER**

**AND**

1. The Commissioner for Prohibition and Excise Hyderabad.
2. Deputy Commissioner for prohibition and Excise, Visakhapatnam.
3. The Prohibition and Excise Superiontendent, Vizianagaram.
4. S.H.O. Prohibition and Excise Station, Parvatipuram, Vizianagaram District.

**....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings of the first respondent i.e., Commissioner of Prohibition and Excise in Cr.No.C5/5124/2002/DPE dated 10-1-2003 and the directions of the Deputy Comissioner, Prohibition and Excise, Visakhapatnam dated 26-8-2003 and the proceedings of the 3rd respondent issued in Rc. No.1023/A2-12 dated 19-9-2003 as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interrere with the sales of the petitioner licensee by insisting on RMRP rates.

**Counsel for the Petitioner: MR. A.JAGANNATHA RAO**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION No.21781 of 2003**

Between:

G.Vekataramana s/o Kurumulu,

aged about 30 years, residing at Jiyyammavalasa,

Vizianagaram District.
Licencee of M/s. Siva Sai Wines.

**..... PETITIONER**

**And**

1. The Commissioner for Prohibition and Excise, Hyderabad.

2. Deputy Commissioner for Prohibition and Excise,

Visakhapatnam.

3. The Prohibition and Excise Superintendent, Vizianagaram.

4. SHO Prohibition and Excise Station, Parvatipuram,

Vizianagaram.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus of any other appropriate writ or direction declaring the proceedings of the 1st respondent i.e. commissioner of prohibition and excise in Cr.no.C5/5124/2002/DPE dated 10/1/2003 and the directions of the Deputy Commissioner, Prohibition and Excise, Visakhapatnam dated 26/8/03 and the proceedings of the 3rd respondent issued in RC.No.1023/2003/A2-9 dated 19/9/03 as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licensee by insisting on RMRP rates.

**Counsel for the Petitioner: MR. A. JAGANNATHA RAO**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

**WRIT PETITION NO : 21796 of 2003**

Between:

M.Mohan Rao S/o Dharma Rao,aged 28 years, R/o 8, Incline Colony, Godavarikhani, Licensee of M/s Venkateswara Wines, (I.L.24 Licensee), Peddapally, District : Karimnagar.

**..... PETITIONER**

**AND**

1. The Commissioner for Prohibition & Excise, Government of

A.P.Hyderabad.

2. The Prohibition & Excise Superintendent, Karimnagar

District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly in the nature of Writ of Mandamus, declaring the action of the Respondent No.2 in suspending the Petitioner's I.L.24 License in Rc.No.1735/2003/P & E/A5 dated 27/9/2003 as being illegal, bad, arbitrary without jurisdiction and consequently set aside the said suspension order.

**Counsel for the Petitioner: MR.S.BHOOMA GOUD**

**Counsel for the Respondents:GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION NO : 21828 of 2003**

Between:

P. Kondala Rao S/o. Appa Rao, aged about 40 years,

Residing at Parvathipuram, Vizianagaram District,

Licencee of M/s. Krishna Wines.

**..... PETITIONER**

**AND**

1. The Commissioner for Prohibition & Excise Hyderabad.

2. Deputy Commissiosner for Prohibition & Excise

Visakhapatnam.

3. The Prohibition & Excise Superintendent, Vizianagaram.

4. The SHO, Prohibition & Excise Station, Parvathipuram,

Vizianagaram District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 1st respondent i..e, Commissioner of Prohibition and Excise in

Cr.No.C5/5124/2002/DPE dated10-1-2003 and the directions of the Deputy Commissioner, Prohibition and Excise Visakhapatnam dated 26.8.2003 and the proceedings of the 3rd respondent issued in RC.NO.1023/2003/A2-11 dated 19.9.2003 as wholly without jurisdiction, illegal and arbitrary and set side the same and direct the respondents not to interfere with the sales of the petitioner licensee by insisting on RMRP rates.

**Counsel for the Petitioner: MR.A.JAGANNATHA RAO**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION NO : 21916 of 2003**

Between:

R. Ramarao Patnaik S/o Late Durga Rao,

aged about 25 years, residing at Parvathipuram,

Vizianagaram District.
Licencee of M/s Om Sairam Wines.

**..... PETITIONER**

**AND**

1. The Commissioner for Prohibition and Excise Hyderabad.

2. Deputy Commissioner for Prohibition and Excise,

Visakhapatnam

3. The Prohibition and Excise Superintendent, Vizianagaram.

4. SHO Prohibition and Excise Station, Parvathipuram,
Vizianagarm District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ of direction declaring the proceedings of the 1st respondent i.e. Commissioner of Prohibition and Excise in Cr.No. C5/5124/2002/DPE dated 10.1.2003 and the directions of the Deputy

Commissioner, Prohibition and Excise Visakhapatnam dated 26.8.2003 and the proceedings of the
3rd respondent issued in Rc.No.1023/2003/A2-10 dated 19.9.2003 as wholly without jurisdiction, illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licensee by insisting on RMRP rates.

**Counsel for the Petitioner: MR. A.JAGANNATHA RAO**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

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**WRIT PETITION NO : 22430 of 2003**

Between:

1. M/s Mallikarjuna Wines, Main Road, Cheedikada ( Mandal) Visakhapatnam District rep. by its Licensee Shri M. Prasad

s/o Appa Rao, K. Kotapadu , Vizag District.

2. M/s Mallikarjuna Wines, A. Koduru, K. Kotapadu Mandal,

Vizag District , rep. by its Licensee, B. Vijaya Nirmala W/o

Narasimha Murthy, A. Koduru, Vizag District

**.. PETITIONERS.**

AND

1 The State of Andhra Pradesh, rep. by the Secretary, Excise & Prohibition, Secretariat, Hyderabad.

2. The Commissioner for Prohibition and Excise, M.J. Road, Nampally, Hyderabad

3. The Prohibition Excise Superintendent, Visakhapatnam.

4. The Prohibition & Excise Inspector,Madugula, Visakhapatnam District

5. The Prohibition and Excise Inspector, Chodavaram,Visakhapatnam District

6. M/s Andhra Pradesh Beverages Corporation Ltd., A State

Government Undertaking,4-3-596/F, 6th Floor, Posnet

Bhavan, Tilak Road, Hyderabad - 500 001 rep. by the

Managing Director.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, more particularly one in the nature of Writ of Mandamus declaring the Rule 11-A of The Andhra Pradesh (Regulation of Wholesale Trade and Distribution of Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer), Rules, 1993 conferring the power on the A.P. Bewerages Corporation to fix the recommended maximum retail price for the various brands of liquor as arbitrary, illegal, ultravires and unconstitutional and consequently declare the proceedings of the 2nd respondent in Cr.No.C5/ 5124/2002/DPE dated 10-1-2003 as arbitrary, illegal, ultravires and violative of the petitioners rights guaranteed under Article 14, 19(1) (g) of the Constitution of India.

**Counsel for the Petitioner: M/S C.KODANDA RAM**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

**Writ Petition No.21884 OF 2003**

Between:

1. M/s. Jyothi Wines, IL-24, A.S. Peta, Ichapuram (V&M),

Srikakulam District, Licence No.57/98-99,
Rep. by its licensee Sri R. Srinivasa Rao, S/o Babu Rao,
aged 28 years, Ichapuram (V&M),
Srikakulam District.

2. M/s. Chinthamani Wines, IL-24, Kaviti Village and Mandal,

Srikakulam District, Licence No. 64/98-99,
Rep. by its licensee Sri N. Jaggarao S/o Vallayya, Aged 35

years, R/o Kaviti (V&M), Srikakulam District.

3. M/s. Sri Dhana Lakshmi Wines, IL-24, Ichapuram,

Srikakulam District, Licence No. 44/02-03,
Rep. by its licensee Sri K. Naveen Chowdiry, S/o late Murahari

Chowdiri, Aged 35 yrs,
R/o Ichapuram, Srikakulam District.

4. M/s. Ratnam Wines, IL-24, Kaviti Village and Mandal,

Srikakulam District, Licence No. 37/02-03
Rep.by its licensee P. Srinivasa Rao, S/o Thavitayya, Aged 30

yrs, R/o Kaviti (V&M), Srikakulam District.

5. M/s. Sri Venkateswara Wines, IL-24, Kaviti Village and

mandal, Srikakulam District,
Licence No. 50/01-02, Rep. by its licensee B. Chandrasekar

Rao, S/o Venkatachalam, aged about 45 yrs,
R/o Mutyalapeta (V) Kaviti (M), Srikakulam District.

6. M/s. Sakthi Wines, IL-24, Sompeta Village and Mandal,

Srikakulam District, Licence No. 58/98-99,
Rep. by its Licensee P. Rama Rao, s/o late P. Raghunath,
aged about 27 years, R/o Sompeta (V&M),
Srikakulam District.

7. M/s. Manmohan Bar & Restaurant, IL-17, Ichapuram Village

and mandal, Srikakulam District,
Licence No. 10/01-02, Rep. by its Licensee R.Nrayana

Chowdiri S/o late Giridhara Chowdiri, aged about 35 yrs,
R/o Ichapuram, Srikakulam District.

8. M/s. Sri Lakshmi Wines, IL-24, Ichapuram Village and

Mandal, Srikakulam District, Licence no. 126/98-99,
Rep. by its Licensee Rukmangadha Rao,
S/o. Ramulu, aged about 23 years, R/o Ichapuram,

Srikakulam District.

9. M/s. Sri Sai Kumar Wines, IL-24, Pusapatirega Village and

Mandal, Vizianagaram District, Licence No. 60/98-99,
Rep. by its Licensee V. Srinu, S/o late Konda, Aged about
27 years, R/o Pusapatirega (V&M), Vizianagaram District.

10. M/s Sri Naidu wines, IL-24, Pusapatirega Village and Mandal,
Vizianagaram District, Licence No. 261/98-99, Rep. by its

licensee P. Chandar Rao, S/o Suryanarayan,
Aged about 32 years, R/o Pusapatirega (V&M), Vizianagaram

District.

11. M/s. Sairam Wines, IL-24, Kumili Village, Pusapatirega

Mandal,Vizianagaram District, Licence No. 259/98-99,
Rep. by its licensee Gorle Sridhar, S/o Gopala Rao,
Aged 27 yrs, R/o Kumili Village, Pusapatirega (M),

Vizianagaram District.

12. M/s. Radha Krishna Wines, IL-24, Kondada Village,

Pusapatirega Mandal, Vizianagaram District,
Licence No. 13/2000-01, Rep. by its licensee A. Venkata

Raju, S/o Narasimhulu, Aged about 35 yrs, R/o Pusapatirega

(M), Vizianagaram District.

13. M/s K.B. Wines, IL-24, Peddapativada Village, Pusapatirega

Mandal, Vizianagaram District, Licence No.227/98-99,
Rep. by its licensee D.V. Kumar Babu S/o Late Rama Rao,
Aged 27 yrs, R/o Peddapativada village, Pusapatirega (M),

Vizianagaram District.

14. M/s. Sri Surya Wines, IL--24, Alladapalem Village,

Pusapatirega Mandal, Vizianagaram District,
Licence No. 43/98-99 Rep. by its licensee V. Kamudu
S/o Sanyasi, Aged about 40 yrs, R/o Alladapalem (v)

Pusapatirega (M), Vizianagaram District.

15. M/s. Veera Venkata Kanaka Durga Wines, IL-24, Chintapalli

Village, Pusapatirega Mandal, Vizianagaram District,
Licence No. 259/98-99 Rep. by its licensee Kola Suribabu
S/o Venkatesh, Aged about 35 years, R/o Chintapalli (V)

Pusapatirega (M), Vizianagaram District.

**... Petitioners**

**AND**

1. The Commissioner of Proh. & Excise, Govt. of A.P. Nampally,

Hyderabad.

2. The Deputy Commissioner of Proh. & Excise, Visakhapatnam.

3. The Proh. & Excise Superintendent, Srikakulam,
Srikakulam District.

4. The Proh. & Excise Superintendent, Vizianagaram,

Vizianagaram District.

5. The Proh. & Excise Inspector, Ichapuram, Ichapuram Circle,

Srikakulam District.

6. The Proh. & Excise Inspector, Sompeta,
S.H.O. Srikakulam District.

7. The Proh & Excise Inspector, Bhogapuram Circle,

Bhogapuram, Vizianagaram District.

.. **Respondents**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more especially one in the nature of writ of mandamus declaring the proceedings of the 1st respondent i.e. Commissioner for Prohibition and Excise in Cr. No. C5/5124/2002/DPE,
dt.10.1.2003 and the directions of Deputy Commissioner, Prohibition and Excise, Visakhapatnam dt. 26.8.2003 and as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interefere with the sales of the petitioner licence by insisting on RMRP rates.

**Counsel for the Petitioner:MR.TADDI.NAGESWARA RAO**

**Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE**

**WRIT PETITION No.21505 of 2003**

Between:

1. M/s Sri Raja Rajeswari Wines, IL-24, D.No.36-106, Old Bus Stand, S.Kota (V& M), Vizianagaram District, rep.by its Licensee Tummala Satyanarayana Chowdary, S/o Late Appayya, 55 years, R/o S.Kota (V & M),

Vizianagaram District.

2. M/s Srinivasa Wines, IL-24, R.T.C.Complex,
S.Kota (V&M), Vizinagaram district rep.by its Licensee

K.Venkata Ramana, S/o Thirupathi Rao, 50 years,
R/o S.Kota (V&M), Vizianagaram District.

3. M/s Vikram Wines, IL-24, Block No.1, Shop No.10,

S.Kota (V& M), Vizianagaram District, rep.by its Licensee

Chandaka Krishna, S/o Ramulu, 40 years,
R/o S.Kota (V & M), Vizianagaram District.

4. M/s. Sri Durga Wines, IL-24, R.T.C.Complex,
S.Kota (V & M), Vizianagaram District, rep.by its Licensee

M.Venkata Bhaskara Rao, S/o Ramakrishna Rao,

40 years, R/o S.Kota (V & M), Vizianagaram District.

5. M/s Lakshmi Wines, IL-24, S.Kota (V& M), Vizianagaram

District, rep.by its Licensee Kota Satyanarayana, S/o

Pentaiah, 35 years, R/o S.Kota (V & M), Vizianagaram

District.

6. M/s. Ravi Raja Wines, IL-24, D.No.2-183/B, Opp.RTC

Complex, S.Kota (V & M), Vizianagaram District, rep.by

its Licensee Y.Rajendra Naidu, S/o Jagannadha Rao,
35 years, R/o S.Kota (V & M), Vizinagaram District.

7. M/s Sri Sai Wines, IL-24, S.Kota (V&M), Vizianagaram

District rep.by its Licensee
Vangapandu Satyanarayana, S/o Late Swamy Naidu,

60 Years, R/o S.Kota (V & M), Vizianagaram District.

8. M/s Sri Gangamamba Wines, IL-24, D.No.1-79, situated

at G.Mamadipally Village, S.Kota (V&M), Vizianagaram

District rep.by its Licensee A.Ramana Rao, S/o Late

Demudu, 45 years R/o S.Kota (V & M) , Vizianagaram

District.

9. M/s Swapna Wines, IL-24, S.No.1772, S.Kota (V & M),

Vizianagaram District rep.byits Licensee P.Hanumaiah, S/o

Narasimha Rao, 50 years,
R/o S.Kota (V & M),Vizianagaram District.

10. M/s. Ravi Wines, IL-24, D.No.22-140/1, S.Kota (V & M) ,

Vizianagaram District, rep.by its Licensee Ch.Subba Rao,

S/o Seethaiah, 38 years, R/o S.Kota (V&M), Vizianagaram

District.

11. M/s Vinayaka Wines, IL-24, D.No.5-122, Dharmavaram

Village, S.Kota Mandal, Vizianagaram District rep.by its

Licensee A.Srinivasa Rao, S/o Krishna Murthy, 35 years,
R/o S.Kota (M), Vizianagaram District.

12. M/s Sri Lakshmi Wines, IL_24, at Boodavara Junction,

S.Kota (V& M), Vizianagaram District
rep.by its Licensee P.Rajaprasad, S/o Rajanna, 25 years,
R/o S.Kota (V& M), Vizianagaram District.

13. M/s Vinayaka Wines, IL-24, D.No.1-19-1/44, Railway

Station Road, Vizianagaram, Vizianagaram District,
rep.by its Licensee N.V.R.M.Prasada Rao, 55 years

Vizianagaram District.

14. M/s Chowdary Wines, IL-24, S.No.50-14, Bodasingipeta

(Dhaba), Bondapally Mandal, Vizianagaram District rep.by

its Licensee S.Balakrishna, S/o Mohana Rao, 35 years,
R/o S.Kota (V& M), Vizianagaram District.

15. M/s Sri Lakshmi Wines, IL-24, Opp: R.T.C.Complex,

Gajapathinagaram (V& M), Vizianagaram District rep.by its

Licensee A.Sambasiva Rao, S/o Subba Rao, 45 years,
R/o S.Kota (V& M), Vizianagaram District.

16. M/s Sri Sai Kumar Wines, IL-24, D.No.5-6,

Gajapathinagaram Village, Vizianagaram District rep.by its

Licensee V.Giri, S/o Konda, aged about 35 years,
R/o R.Bhogapuram Village, Vizianagaram District.

17. M/s Sri Lakshmi Wines, IL-24, New Colony, Puritipenta (V),

Gajapathinagaram (M), Vizianagaram District rep.by its

Licensee Gedda Srinivasa Rao, S/o Sivarama Dikshitulu,

40 years, R/o Puritipenta (V), Gajapathinagaram (M),

Vizianagaram District.

18. M/s Mohan Wines, IL_24, Puritipenta (V),

Gajapathinagaram (M),Vizianagaram District, rep.by its

Licensee Kolla Butchi Krishna Mohan, S/o Appalanaidu,
Aged about 42 years, R/o Puritipenta (V),

Gajapathinagaram (M), Vizianagaram District.

19. M/s Naidu Wines, IL-24, D.No.6-881, New Colony,

Puritipenta (V), Gajapathinagaram (M), Vizianagaram

District rep.by its Licensee Attada Lakshminaidu, S/o Late

Gangu Naidu, Aged about 40 years, R/o Puritipenta (V),

Gajapathinagaram (M), Vizianagaram District.

20. M/s Sri Padma Wines, IL-24, Gajapathinagaram (V& M),

Vizianagaram District, rep.by its Licensee Smt P.Padma,

W/o Jagannadha Rao, Aged about 30 years, R/o

Gajapathinagaram (V& M), Vizianagaram District.

21. M/s Geeta Wines, IL-24, Gajapathinagaram (V&M),

Vizianagaram District rep.by its Licensee Thirumala

Krishnam Raju, S/o Appala Narasimha Raqju, aged about

50 years, R/o Gajapathinagaram (V&M), Viziangaram

District.

22. M/s Venkateswara Wines, IL-24, D.No.1-98, Vepada

(V&M), Vizianagaram District,
rep.by its Licensee R.Suri Appa Rao, S/o Guruvulu, aged

about 40 years, R/o Vepada (V&M), Vizianagaram District.

23. M/s Sri Krishna Wines, IL-24, Ballanki (V), Vepada (M),

Vizianagaram District. rep.by its Licensee P.Suryanarayana

Raju, S/o Bala Satyanarayana Raju, aged about 45 years,
R/o Ballanki (V), Vepada (M), Vizianagaram District.

24. M/s Sri Lakshmi wines, IL-24, D.No.7-80, Boddam (V),

S.Kota, Vizianagaram District, rep.by its Licensee Reddy

Jagannadha Rao, S/o Narasinga Rao, aged about 35 years,
R/o Boddam (V), S.Kota (M), Vizianagaram District.

25. M/s Balaji Wines, IL-24, Boddam (V), Vizianagaram

District rep.by its Licensee M.Jagannadham, S/o

Sanyasaiah, aged about 35 years, R/o P.K.R.Puram,

Vizianagaram District.

26. M/s Malliakharjuna Wines, IL-24, Vallampudi (V), via

S.Kota, Vizianagaram District, rep.by its Licensee Robbi

Butcheswara Rao, S/o Late Appanna, aged about 50 years,
R/o Vallampudi (V), Vizianagaram District.

27. M/s Sai Durga Wines, IL-24, Budathanapalli (V), Gantyada

(M), Vizianagaram District, rep.by its Licensee V.Mutyala

Naidu, S/o Narayana Murthy, aged about 45 years,
R/o Budathanpalli (V), Gantyada (M), Vizianagaram

District.

28. M/s Maha Lakshmi Wines, IL-24, D.No.3-429, Lakkidam

(V), Vizianagaram District rep.by its Licensee Ramachandra

Varma, S/o Venkatapathi Raju, aged about 45 years,
R/o. Vizianagaram, Vizianagaram District.

29. M/s. Sai Priya Wines, IL-24, Budipeta (V), Korlam Jn.

Gantyada (M),Vizianagaram District rep.by its Licensee

P.Satya Rao, S/o Ramakrishna, aged about 35 years,
R/o Budipeta (V), Gantyada (M), Vizianagaram District.

30. M/s. Sri Kanaka Durga Wines, IL-24, Kotarubilliroad Jn.

Kotarubilli (V), Gantyada (M), Vizianagaram District rep.by its Licensee V.Mutyala Naidu, S/o Dali Naidu, aged about 40 years, R/o Kotarubili (V), Gantyada(M), Vizianagaram District.

31. M/s Sri Venkateswara Wines, IL-24, Pedavamali (V), Gantyada (M), Vizianagaram District rep.by its Licensee M.Venkata Ramana, S/o Ramana Murthy, aged about 40 years, R/o Pedavamli (V), Gantyada, (M), Vizianagaram District.

32. M/s Sri Lakshmi Wines, IL-24, Kondathamarapalli Jn. Kondathamarapalli (V), Gantyada (M), Vizianagaram District rep.by its Licensee Kondapalli Venkata Ramana, S/o Paidithalli Naidu, aged about 40 years, Vizianagaram District.

33. M/s Sri Lakshmi Wines, IL-24, Narava (V), Gantyada (M), Vizianagaram District rep.by its Licensee Jami Satyam, S/o Mutyala Naidu, aged about 45 years, Vizianagaram District.

34. M/s Sri Lakshmi Wines, IL-24, Kotarubili Junction, Vizianagaram District rep.by its Licensee Jami Suryanarayana, S/o Mutyala Naidu, aged about 38 years, Vizianagaram District.

35. M/s Sri Kanaka Durga Wines, IL_24, Bonamgi (V), Gantyada (M), Vizianagaram District rep.by its Licensee D.Chinni Krishna, So Narasim Naidu, aged about 35 years, Vizianagaram District.

36. M/s Sri Rajya Lakshmi Wines, IL-24, Garbham (V),

Merakamudham (M), Vizianagaram District rep.by its

Licensee B.Appala Naidu.

37. M/s Sri Gayathri Wines, IL_24, Merakamudham (M),

Vizianagaram District rep.by its Licensee G.Simhadhri

Raju.

38. M/s Sri Vinayaka wines, IL-24, Garbham (V),

Merakamudham (M), Vizianagaram District
rep.by its Licensee B.Sambamurthy Raju.

...**PETITIONERS**

**AND**

1. The Commissioner of Proh. & Excise, Govt.of A.P.

Hyderabad.

2. The Dy.Commissioner of Proh. & Excise,Visakhapatnam.

3. The Prohibition & Excise Superintendent, Vizianagaram, Vizianagaram District.

4. The Proh. & Excise Inspector, S.Kota Circle, S.Kota, Vizianagaram District.

5. The Proh. & Excise Inspector, Gajapathinagaram Circle, Gajapathinagaram,Vizianagaram District.

6. The Proh. & Excise Inspector, Cheepurupally Circle, Cheepurupally, Vizianagaram District.

**..... Respondents**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more especially one in the nature of writ of mandamus declaring the proceedings of the 1st respondent i.e. commissioner for prohibition and excise in Cr.No.C5/5124/2002/DPE, dt.10.1.2003 and the directions of tehe deputy commissioner, prohibition and excise, visakhapatnam dt.26.8.2003 and as wholly without jurisdiction illegal and arbitrary and set aside the same and direct the respondents not to interfere with the sales of the petitioner licence by insisting on RMRP rates.

**Counsel for the Petitioners: MR.TADDI.NAGESWARA RAO**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

***THE HONOURABLE SRI JUSTICE B. SUDERSHAN REDDY***

***AND***

***THE HONOURABLE SRI JUSTICE K.C. BHANU***

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**W.A. Nos.1889, 2064, 2082, 2110, 2275 of 2003 and 772 and 871 of 2004**

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**W.P. Nos.21498, 17351, 21538, 19947, 20279, 20899, 21001, 21122, 21358, 21379, 21511, 21550, 21639, 21640, 21776, 21781, 21796, 21828, 21916 22430, 21884 and 21505 of 2003**

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**COMMON JUDGMENT:**(Per Hon'ble Sri Justice B. Sudershan Reddy)

These writ appeals and writ petitions involve common questions of law that arise for our consideration and therefore, they are being disposed of by a common judgment.

The petitioners in all these writ petitions were granted IL-24 licences under the provisions of the Andhra Pradesh Indian Liquor and Foreign Liquor Rules, 1970, (for short 'Rules 1970').

The licensing authority in exercise of the power conferred under Section 31 of the Andhra Pradesh Excise Act, 1968 (A.P. Act 17 of 1968) (for short 'Act 17 of 1968') had suspended the licences of some of the petitioners in this batch of writ petitions on the ground that during the course of inspection, the licensees were found selling various items of Indian made foreign liquor at a price higher than the recommended maximum retail price (for short 'RMRP'). The allegation is that the Indian made foreign liquor was being sold at a price higher than the RMRP, which constitutes violation of the provisions of the Act 17 of 1968 and the Rules 1970, made thereunder. That not only the licences were suspended pending enquiry but crimes were also registered against the licensees under Section 41 of the Act 17 of 1968.

The writ petitioners contended before the learned single Judge as well as before us that there is no provision either in the Act 17 of 1968 or in the Rules 1970 made thereunder requiring IL-24 licensees to sell the Indian made foreign

liquor at a particular price or at the RMRP indicated on the bottles. According to them, the action has been initiated by the licensing authority against the writ petitioners on the basis of circular instructions issued by the Commissioner of Prohibition and Excise, dated 12-06-2001 and 10-01-2003.

The Commissioner issued instructions to all the authorities concerned to ensure strict compliance of RMRP rates and oversee that the liquor is not sold at a rate higher than the RMRP. The Officers were accordingly instructed to register the cases for violation of RMRP under Section 41 of the Act 17 of 1968 and take action for suspension/
cancellation of IL-24 licences by duly exercising the power conferred under Section 31 of the Act 17 of 1968 and also to launch prosecution in the Court of law. These instructions issued by the Commissioner are challenged in this batch of writ petitions.

The main issue involved is whether the instructions issued by the Commissioner are void and whether the action taken by the licensing authority on the basis of circular instructions is void?

The object and purpose of the Act 17 of 1968 as amended by the A.P. Act 1995 (17 of 1995) (for short Act 17 of 1995) as reflected in the long title, was to consolidate and amend the law relating to the production, manufacture possession, transport, purchase and sale of intoxicating liquor and drugs, the levy of duties of excise and countervailing duties on alcoholic liquors for human consumption etc., and to provide for matters connected therewith in the State of Andhra Pradesh.

Section 3 of the Act 17 of 1968 provides for appointment of an Officer as

the Commissioner of Prohibition and Excise for the State. The Commissioner so appointed is the Chief Controlling Authority in all matters connected with the administration of the Act and he shall function subject to the general and special orders of the Government.

The Commissioner is made the Chief Controlling Authority in all the matters. The Commissioner in his capacity as the Chief Controlling Authority issued the circulars referred to hereinabove with a view to ensure that the retail licensees would adhere to RMRP and sell liquor to consumers at RMRP only. The circular instructions
dated 12-06-2001 referred to Rule 11-A of A.P. (Regulation of Wholesale Trade and Distribution of Indian Liquor, Foreign Liquor, Wine and Beer) Rules, 1993, which require the manufacturers to print the RMRP on the labels of each variety of liquor. The Commissioner reminded himself that RMRP was introduced as a measure of consumers' awareness of the cost of various brands of liquor that is offered for retail sale. "It was also intended that the IML retail (IL-24) licensees would adhere to RMRP and would have to make the liquor available to consumers at RMRP only".

The Commissioner noticed that in spite of repeated instructions issued from time to time requiring the Officers to ensure that the licensees should sell liquor at the price not exceeding the RMRP, complaints were being received repeatedly from various quarters that the licensees were not selling the liquor at RMRP rates and at some places, liquor was being sold at abnormally high prices compared to RMRP. Keeping in view all the facts and circumstances, the Commissioner has decided to issue orders directing all the
IL-24 retail licensees to sell liquor at a price not exceeding the RMRP. The

authorities were accordingly directed to take necessary action for suspension/cancellation of IL-24 licences in exercise of the power under Section 31 of the Act 17 of 1968 read with conditions of IL-24 Licence and provisions of the Counter Part Agreement, in all such cases where the individual licensees were found selling liquor in violation of RMRP.

The Commissioner having noted that the instructions have not been taken seriously by the licensees and the authorities were compounding the cases booked for violation of RMRP in a routine manner, issued further instructions to all the Officers to register the cases of violation of RMRP under Section 41 of the Act 17 of 1968, and take action for suspension/cancellation of IL-24 Licences under Section 31 of the Act 17 of 1968 and also to launch prosecution in the Court of law. In order to avoid the misuse of the instructions by any of the Excise Officials, it was decided that the cases of violation of RMRP have to be booked by following the procedure as prescribed for booking the trap-cases by the Anti Corruption Bureau Officials besides collecting the evidence from two independent consumers of the area. Even the copies of the model panchanama, search memo and points to be noted while recording panchanama were enclosed for guidance and compliance by the Officials.

The short question that falls for consideration is whether the circular instructions issued by the Commissioner are *ultra vires* the provisions of the A.P. Excise Act, 1968
(Act 17 of 1968) and any of the Rules framed thereunder?

Learned counsel for the writ petitioners contended that the Commissioner in exercise of his power under Section 3(1) of the Act 17 of 1968 virtually

brought a legal regime parallel to the one contained under the Act and the Rules made thereunder and the same is not permissible in law. There is no provision either in the Act or the Rules framed making it obligatory to sell the liquor strictly at RMRP. Therefore, the Commissioner could not have prescribed under the impugned instructions directing the sale of liquor at RMRP only.

Learned Advocate General appearing on behalf of the State submitted that the impugned instructions issued by the Commissioner in no manner runs parallel to any provision of law. The circular instructions issued by the Commissioner merely reminded the Officers of their duty to implement the existing provisions of law, terms and conditions of licence and counter part agreement executed by the licensees. It was submitted that there is no provision either in the Act 17 of 1968 or under the Rules under which the licensees are entitled to sell liquor at the rates of their own choice. The licensees are bound by the instructions issued by the Commissioner from time to time with regard to sale of Indian made foreign liquor under the licences granted to them.

In order to appreciate the contentions advanced, it is necessary to notice the relevant statutory provisions, which have a bearing on the questions involved.

Sub-Section (1) of Section 3 of the Act 17 of 1968, is in these terms:

"**3. Appointment of Commissioner:-**

> 1) The Government may, by notification, appoint an officer as the Commissioner of Prohibition and Excise for the State, who subject to the general or special orders of the Government in this behalf, shall be the chief controlling authority in all matters connected with the administration of this Act."

Sub-Section (2) thereto provides that the Commissioner shall be competent to exercise all the powers of the Collector under the Act and shall have the control of the administration of the Prohibition and Excise Department.

Section 4 of the Act provides that all the Collectors are required to exercise their power and perform their functions assigned by or under the Act subject to the general control of the Commissioner.

That a bare reading of Sections 3 and 4 together, makes it abundantly clear that the Commissioner exercises general control and superintendence over the entire Department and in that capacity, he is entitled to issue circulars/instructions structuring the discretion of the authorities under the Act and provide guidance with a view to ensure the proper administration of the Act. The Commissioner in law is entitled to remind the Officers working under his control of their duties and functions under the Act.

Section 13 of the Act prohibits manufacture, possession and sale of any liquor and other excisable articles except under a licence.

Section 14 of the Act prohibits that no person shall have in his possession any intoxicant in excess of the specified quantity, except under the authority and in accordance with the terms and conditions of the licence for the manufacture, sale, buying or supplying etc.

Section 28 of the Act provides that every permit issued or licence granted under the Act shall be issued or granted on payment of such fees, for such period, subject to such restrictions and conditions, and shall be in such form and shall contain such particulars, as may be prescribed.

Section 29 of the Act enables the authority granting licence under the Act requiring the licensee to give security for the observance of the terms of his licence; and to execute a counterpart agreement in conformity with the tenor of his licence.

Section 31 of the Act confers power upon the authority empowered to grant any licence, to cancel or suspend it on the grounds mentioned thereunder.

That breach of any of the terms and conditions of the licence is one of the grounds for cancellation/suspension of the licence.

Section 41 of the Act, which is general in its nature, prescribes penalty for offences not otherwise provided for. It provides that any act in contravention of any of the provisions of the Act, or any Rule, notification or order made, issued or passed thereunder and not otherwise provided for in this Act shall be punishable with imprisonment which may extend to six months and with a fine which may extend up to rupees five thousand.

In exercise of the powers conferred under Section 72 read with Sections 9, 11, 12, 13, 14, 15 and 28 of the Act, the Government of Andhra Pradesh made the rules called the Andhra Pradesh Indian Liquor & Foreign Liquor Rules,

1970. These rules shall apply for the import, export, transport and sale of Indian Liquors and foreign liquors but not for their manufacture, production, compounding, blending, rectifying and bottling etc.

Rule 23 of the Rules 1970 provides for grant of the licence for sale of Foreign liquor and Indian liquor in various categories. It is under those rules; the writ petitioners applied for and obtained the licence in Form IL-24 called retail licence for the sale of all kinds of Indian Liquor and Foreign Liquor and beer, not to be consumed on the licensed premises.

The terms and conditions to be incorporated in the licence are prescribed and shall be deemed to be part of regulatory regime. The Form is to be read as part of statutory rules framed by the rule making authority. Condition No.5 incorporated in the terms and conditions of the licence (Form IL-24) *inter alia* provides that all Indian Liquor, Foreign Liquor and Beer sold under the licence shall be duty paid and obtained from the IML Depot of the Andhra Pradesh Beverages Corporation Limited and allotted by the Licensing Authority.

We shall notice the significance of the condition little later.

Rule 3[(kk)] of the Rules 1970 defines the recommended maximum retail price (RMRP) as the price to be indicated by Andhra Pradesh Beverages Corporation Limited for incorporation in each variety of label by the manufacturers of Indian Liquor or Brewers for the purpose of consumer awareness.

It is also just and necessary to briefly notice the relevant provisions of the Andhra Pradesh (Regulation of Wholesale Trade and Distribution of Indian Liquor, Foreign Liquor, Wine and Beer) Act, 1993 (for short 'Act 1993'). The object and purposes of Act 15 of 1993 was to provide for taking over of the Wholesale Trade and Distribution of Indian liquor, Foreign liquor, Wine and Beer and to regulate the Retail Trade thereof as a prelude to totally prohibit the consumption of intoxicating liquors.

The Act 1993 has been brought into existence pursuant to the policy decision taken to vest the exclusive privilege of supplying in wholesale the Indian liquor, Foreign Liquor, Wine and Beer in whole of the State of Andhra Pradesh in the Andhra Pradesh Beverages Corporation Limited, a Corporation wholly owned and controlled by the Government.

Section 4 of the Act 1993 provides for taking over of wholesale trade in Indian liquor and vest the same in the
A.P. Beverages Corporation Limited; the exclusive privilege of importing, exporting and carrying on the wholesale trade and distribution of Indian liquor, Foreign liquor etc., for the whole of the State of Andhra Pradesh. No other person shall be entitled to any privilege of importing, exporting and supplying the same in wholesale or distributing the same for the whole or any part of the State.

In exercise of the power conferred under
sub-section (1) of Section 4 of Act 15 of 1993, Rules for the Regulation of Wholesale Trade and Distribution of Indian liquor etc., were framed known as the Andhra Pradesh (Regulation of Wholesale Trade and Distribution of Indian

Liquor, Foreign liquor, Wine and Beer) Rules, 1993 (for short 'Rules 1993').

Rule 11 of the Rules 1993 enables the Corporation to get the supplies of Indian Liquor and Foreign Liquor from such manufacturer within or outside the State, in such quantities and at such prices, as it may consider necessary and appropriate.

Rule 14 of the Rules 1993 provides the sale of liquor by the Corporation through its permitted wholesale depots only to the holders of retail licences issued under the Rules 1970 and the A.P. Excise (Lease of right to sell Indian Liquor and Foreign Liquor in retail) Rules, 1993.

Rule 11-A of the Rules, 1993, which is material for our present purposes reads as follows:

> "**11-A. Fixation of Recommended Maximum Retail Price:-** The Corporation shall arrive at the Recommended Maximum Retail Price in respect of each variety of liquor by loading its Sale Price by such percentage as fixed by the Government, and indicate the same to the manufacturers for printing on the labels."

The Andhra Pradesh Distillery Rules, 1970, also speak about the RMRP, which means the price to be indicated by the Andhra Pradesh Beverages Corporation Limited for incorporation in each variety of label by the manufacturers of Indian Liquor for the purpose of consumer awareness. The Distillery Rules are framed by the rule making authority in exercise of the power conferred under the provisions of Act 17 of 1968.

The Andhra Pradesh Excise (Indian and Foreign Liquor Retail Sale Conditions of Licences) Rules, 1993, mandate that the licensee shall purchase Indian Liquor and Foreign Liquor from the allotted depot of Andhra Pradesh Beverages Corporation Limited Depot only on such terms as may be prescribed by the Andhra Pradesh Beverages Corporation Limited.

The conspectus of provisions of the Acts and the Rules referred to hereinabove makes it clear that the manufacture, possession and sale of liquor is prohibited except under a licence granted by the competent authority; the licensing authority is conferred with the jurisdiction to cancel or suspend the licence in the event of breach of any of the terms and conditions of the licence. The Wholesale Trade and Distribution of Indian Liquor, Foreign Liquor is taken over by the Government and the same vests in the Government and exclusive privilege thereof is vested in the Andhra Pradesh Beverages Corporation Limited. Every IL-24 licensee is required to receive, supply and purchase liquor only from the A.P. State Beverages Corporation; the Corporation in law is required to arrive at RMRP in respect of each variety of liquor and accordingly load its sale price and indicate the same to the manufacturer for printing on the labels.

The RMRP, according to the Rules 1970 and the
A.P. Distillery Rules, 1970, means the price to be indicated by the Corporation for incorporation in each variety of labels by the manufacturer for the purpose of consumer awareness. That means the consumer is required to be told at what price each variety of Indian Liquor and Foreign Liquor is available for sale. The expression “for the purpose of consumer awareness” is required to be understood in its proper context. The price to be indicated is for the information

of the consumer about each variety of liquor and its availability for sale at such price as indicated on the label.

The counterpart agreement entered by IL-24 licensees, which is again statutory in its nature, reveal the undertaking given by the licensee to abide by "all general conditions applicable to the sale of intoxicants and also the instructions issued by the Commissioner of Prohibition and Excise". Therefore, the contention that IL-24 licensees are bound by the terms and conditions of the licence granted under the Rules 1970, the Rules 1993, and the Act 17 of 1968 only and not by the other enactments referred to hereinabove is totally untenable and unsustainable. The licensees are obviously bound by all general conditions applicable to the sale of intoxicants not only contained under the provisions of the Act 17 of 1968 but are also by all the statutes and the rules wherever such general conditions applicable to sale of liquor are provided for and as well as the instructions issued by the Commissioner.

It is true that there is no specific provision under any of the Acts and the Rules referred to hereinabove specifically providing for the sale of Indian Liquor and Foreign Liquor, at a particular rate. Precisely for that reason, the Commissioner having regard to the provisions of the Acts and the Rules referred to hereinabove including the counterpart agreement entered by the IL-24 Licensees, issued instructions directing the IL-24 licensees to sell the Indian Liquor and Foreign Liquor at RMRP indicated by the A.P. Beverage Corporation and incorporated in each variety of label for the purpose of consumer awareness. Having noticed that the licensees were not following those instructions and were selling the liquor at much higher rate than the RMRP,

further instructions were issued by the Commissioner providing guidelines to his subordinate Officers to enforce the instructions issued by him and to ensure that the liquor is sold at RMRP.

In our considered opinion, the instructions so issued by the Commissioner in no manner supplant any provisions of the Act or the Rules referred to hereinabove. The instructions do not in any manner run parallel to the provisions of any of the said Acts and the Rules. The circular instructions merely supplement the provisions of the Act and the Rules. The circular instructions obviously have been issued for the guidance of the subordinate authorities reminding them of their duty to enforce the statutory provisions and ensure that the liquor is not sold by the IL-24 licensees at the rates of their choice.

The administrative instructions/circulars are invariably issued by the controlling authorities to ensure uniform application of the laws and the rules made thereunder. In view of the ever expanding governmental activities, it is essential and inevitable to issue administrative instructions supplementing the statutes and the statutory rules. The Government is entitled to fill in the gaps with the statutory rules, but such administrative instructions and manuals have no statutory force, but they are made to be observed by the public servants to discharge their functions under the control of the Government or the Chief Controlling authority, as the case may be. The administrative instructions/circulars so issued, regulate the manner in which the personnel entrusted with the administration of the Acts and their enforcement are required to discharge their functions. Such circular instructions are always considered to be general in nature and it is for the authority concerned to consider as to what extent the application of such general instructions/guidelines shall be

applicable in a given case. The Government or the Chief Controlling Authority, as the case may be, is at perfect liberty to issue instructions to its subordinate Officers, provided the instructions do not contravene any constitutional provision or any statute. In the absence of any statutory discretion, the authority may adopt and follow such instructions and apply the same in a given situation and take appropriate decision.

We are unable to find any substance in the argument that the impugned circular instructions may amount to modifying or amending the statutory rules. In a case, valid rule having some lacuna or gap can always be supplemented by the executive instructions and such instructions supplement and not supplant any statutory provision or rule.

There is no rule or condition in the licences granted to the petitioners under which they are entitled to sell Indian Liquor and Foreign Liquor at the price of their own choice. On the other hand, the scheme of the Act and the Rules referred to hereinabove and their cumulative effect suggest that RMRP indicated in each variety of label is meant for the purpose of consumer awareness duly informing the consumer about availability of liquor for sale at the price indicated on the label. The Commissioner himself did not fix any price and direct the licensees to sell various categories of liquor at the price fixed by him. Obviously, he cannot do so. The price had already been fixed by duly taking appropriate parameters into consideration and the price so fixed is indicated on each label by the manufacturer himself at the instance of the A.P. Beverages Corporation Limited which had takenover the wholesale supply of liquor in the State of Andhra Pradesh. The circular instructions merely remind the officers of their duties to enforce the provisions of various Acts and

the Rules and to ensure that each category of the liquor is sold at RMRP. Those instructions in no manner run counter to any of the provisions of the Act or the Rules referred to hereinabove. At any rate, we have not been shown that the impugned circular instructions run counter to any particular provision of the Act or the Rules. It is not a case where the impugned circular instructions supersede or amend any statutory provision.

Wade in his Administrative Law observed:

> "The Departmental circulars are a common form of administrative document by which instructions are disseminated, e.g. from a department …… to its local offices or to local authorities over which it exercises control……in themselves they have no legal effect whatever, having no statutory authority. But they may be used as a vehicle for conveying instructions to which some statute gives legal force……they may also contain legal advice of which the courts will take notice."

The departmental circulars/administrative rules/ instructions have repeatedly been held to be rules of administration practice merely, not rules of law and not delegated legislation and they have no statutory force.

Lord Bridge in *R. v. Immigration Appeal Tribunal ex p. Bakhtaur Singh* has said that they are 'quite unlike ordinary delegated legislation', that they 'do not purport to enact a precise code having statutory force', and that they are 'discursive in style and, on their face, frequently offer no more than broad guidance as to how discretion is to be exercised'.

In our considered opinion, the impugned circular instructions in no

manner run counter to any statutory provision. The instructions merely suggest and structure the discretion of the subordinate Officers of the Commissioner as to how they are required to exercise their power under
Sections 31 and 41 of the Act 17 of 1968 and the Rules framed thereunder in order to ensure sale of liquor at RMRP. It is for the authorities to take guidance from the instructions and exercise power conferred on them by the statute. The instructions in no manner takes away the discretion vested in the licensing authorities. The whole of the case of the writ petitioners rests on the imagination that IL-24 licensees are entitled to sell Indian Liquor and Foreign Liquor at the rates of their own choice. The very purpose and object of indicating RMRP on each of the label is to make consumer aware in advance that specified categories of liquor is made available for sale at such specified rate.

Be it as it may, the licensees in their counterpart agreement having undertaken that they shall abide by all the general conditions applicable to sale of the intoxicants as well as the instructions issued by the Commissioner of Prohibition and Excise in the matter of sale of intoxicants, cannot be permitted to turn around and contend that they are not bound by the instructions issued by the Commissioner from time to time. They are bound by the instructions issued by the Commissioner, as long as such instructions do not suffer from any legal or constitutional infirmity. The impugned circular instructions in no manner infringe any of the statutory rights of the writ petitioners, much less any guaranteed fundamental rights.

The submission based on the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (for short ‘Weights and Measures

Rules, 1977') is equally untenable and unsustainable.

Rule 6 of the Weights and Measures Rules, 1977, provides that every package shall bear thereon or on a label securely fixed thereto, a definite plain and conspicuous declaration apart from other requirements.

Rule 6(C), however, made an exemption and says no declaration as to the sale price has to be made on any bottle containing alcoholic beverages or spirituous liquor.

That for the purpose of the Standards of Weights and Measures Act, 1976, such a declaration may not be necessary but the Rules 1970 and Rules 1993 mandate incorporation of RMRP on the label fixed on each category of liquor to be affixed on the bottle. The Legislative competence of the State Legislature in enacting Act 17 of 1968 and Act 1993 under which the rules prescribed indication of RMRP are made, is not put in issue.

Be it as it may, with effect from 01-12-2003 even Rule 6 (C)(iii) is amended and even under the Weights and Measures Rules, 1977, now there is mandatory requirement to indicate the retail price on every bottle contained alcoholic liquor and spirituous liquor. There is no need to dilate further on this issue.

It is unnecessary to notice the facts in detail in each of the case.

Myriad are the facts. It is totally unnecessary for us to delve into facts in detail. It would suffice for our purpose to touch upon the bare facts in some of

the cases in order to dispose of this batch of writ petitions.

The impugned separate orders dated 31-08-2003 passed by the Prohibition and Excise Superintendent, Machilipatnam, Krishna District, whereunder the licences of the writ petitioners have been kept under suspension until further orders do not reveal that they were issued under the dictation of the Commissioner of Prohibition and Excise; on the other hand detailed reasons and the provisions of the law and the rules alleged to have been contravened by the licensees are clearly stated in the impugned orders in which, of course, there is a reference to circular. Therefore, it is unnecessary to go into the question as to whether licensing authorities acted under the dictation of the Commissioner. It was perfectly open to the writ petitioners to file their explanation to the notices and satisfy the licensing authority that they have not contravened any terms and conditions of the licences or the rules, as the case may be, instead the writ petitioners have approached this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

W.A. Nos. 772 & 871 of 2004 arise out of the interlocutory orders passed by the learned single Judge whereunder the directions have been issued restraining the licensing authority from giving effect to the instructions issued by the Commissioner, no orders as such have been passed against the licensees either suspending or canceling the licences.

Likewise in W.P. Nos.22430, 17351, 21538, 20279, 20899, 21001, 21122, 21358, 21640, 21550, 21379 and 21498 of 2003, no orders have been passed by the licensing authority against the licensees. The instructions alone are challenged.

In W.P. Nos.21639, 21776, 21781, 21828, 21916 and 21511 of 2003 no adverse orders were passed by the licensing authority against the licensees. The instructions and show cause notices are challenged even without filing any reply to the show cause notice.

W.P. No.21796 of 2003 is directed against the order of suspension pending enquiry.

W.P. No.19947 of 2003 is directed against the instructions of the Commissioner and also registration of a crime under Section 41 of the Act 17 of 1968.

In none of the cases, there is any order passed by the licensing authority refusing to compound the offences as contended by the learned counsel for the petitioners.

For all the aforesaid reasons, we find no merit in any of the writ petitions and they are accordingly dismissed with costs.

However, each of the petitioner/licensee is entitled to submit their explanation within two weeks from today wherever show cause notices have been issued and as well as in cases where the licences have been kept under suspension pending enquiry. The explanation to be offered by the writ petitioners shall be duly taken into consideration by the licensing authority for passing appropriate final orders.

No relief is granted in other writ petitions in view of our decision to uphold the circular instructions issued by the Commissioner.

Accordingly, W.A. Nos.1889, 2064, 2082, 2110 and 2275 of 2003 preferred by the State are allowed;

W.A. Nos.772 and 871 of 2004, which are preferred against the interlocutory orders in W.P.M.P.No.27310 & W.V.M.P. No.145 of 2004 and W.P.M.P. No.26864 & W.V.M.P. No.4152 of 2003 respectively, are allowed and W.P. Nos.21884 and 21505 of 2003 are dismissed;

W.P. Nos. 21498, 17351, 21538, 19947, 20279, 20899, 21001, 21122, 21358, 21379, 21511, 21550, 21639, 21640, 21776, 21781, 21796, 21828, 21916 and 22430 of 2003 are dismissed. The State shall be entitled to its costs in all

cases.

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B. SUDERSHAN REDDY, J

Date: Sept., 2004

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K.C. BHANU, J

NOTE:

After signing of this common judgment by BRSR,J & KCB,J, and after dispatching the same, BRSR,J directs the Office to place one copy each of this common judgment in respective original bundle of each application (which are disposed of by this common judgment) for ready reference and record purpose.

(B/O)

**PV**

To

1) One fair copy to the Honourable Sri Justice B. Sudershan Reddy
for his Lordship's kind perusal.

2) One fair copy to the Honoruable Sri Justice K.C. Bhanu

for his Lordship's kind perusal.

3) The Commissioner, Prohibition & Excise Department,

Government of Andhra Pradesh, Hyderabad.

4) The Deputy Commissioner,
Prohibition & Excise Department,
Government of Andhra Pradesh, Visakhapatnam.

5) The Assistant Commissioner,
Enforcement, Visakhapatnam.

6) The Superintendent (Prohibition & Excise),
Visakhapatnam, Visakhapatnma District.

7) The Sub-Division Prohibition & Excise Officer,
Narsipatnam, Visakhapatnam.

8) The Inspector, Prohibition & Excise,
Yelamanchili, Visakhapatnam.

9) The Deputy Commissioner for Prohibition & Excise,
Kakinada, East Godavari District.

10) The Assistant Commissioner for Prohibition & Excise,
Vijayawada.

11) The Prohibition & Excise Superintendent,
West Godavari District, Eluru.

12) The S.H.O., Prohibition & Excise Station, Eluru,
West Godavari District.

13) The S.H.O., Prohibition & Excise Station, Jangareddygudem,
1 West Godavari District.

14) The S.H.O., Prohibition & Excise Station, Tanuku,
West Godavari District.

15) The S.H.O., Prohibition & Excise Station, Bhimadole,
West Godavari District.

16) The S.H.O., Prohibition & Excise Station, Tadepaligudem,
West Godavari District.

17) The Sub-Inspector, Prohibition & Excise, Anakapalle,
Visakhapatnam, Visakhapatnam District.

18) The Sub-Inspector (Prohibition & Excise), Chodavaram,
Visakhapatnam District.

19) The Sub-Inspector (Prohibition & Excise) Yellamanchili,
Visakhapatnam District.

20) The Sub-Inspector (Prohibition & Excise), Sabbavaram,
Visakhapatnam District.

21) The Assistant Commissioner for Prohibition & Excise,
Visakhapatnam.

22) The Sub-Divisional Prohibition & Excise Officer, Chodavaram,
Visakhapatnam District.

23) The S.H.O., Prohibition & Excise Station, Nakkapalli,
Visakhapatnam District.

24) The Sub-Division Prohibition & Excise Officer,
Visakhapatnam.

25) The Inspector, Prohibition & Excise,
Narsipatnam, Visakhapatnam.

26) The Prohibition and Excise Superitnendent, Srikakulam.

27) The Prohibition and Excise Superintendent, Visakhapatnam.

28) The S.H.O., Prohibition & Excise Station, Narsannapeta,
Srikakulam District.

29) The S.H.O., Prohibition and Excise Station, Kotabommili,
Srikakulam District.

30) The S.H.O., Prohibition & Excise Station, Srikakulam Town,
Srikakulam District.

31) The S.H.O., Prohibition & Excise Station, Patapatnam,
Srikakulam District.

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33) The S.H.O., Prohibition and Excise Station, Circle – I,
Visakhapatnam.

34) The S.H.O., Prohibition and Excise Station, Circle – II,
Visakhapatnam, Visakhapatnam District.

35) The S.H.O., Prohibition and Excise Station, Circle IV,
Visakhapatnam, Visakhapatnam District.

36) The Prohibition and Excise Superintendent, Vizianagaram.

37) The Assistant Prohibition and Excise Superintendent,
Vizianagaram.

38) The S.H.O., Prohibition and Excise Station, Kotavalasa,
Vizianagaram District.

39) The S.H.O., Prohibition and Excise Station,
Gajapathinagaram, Vizianagaram District.

40) The Prohibition & Excise Inspector, Kothavalasa Circle,
Kothavalasa, Vizianagaram District.

41) The Commissioner for Prohibition and Excise, Hyderabad.

42) The Assistant Prohibition & Excise Superintendent,
Srikakulam.

43) The Prohibition & Excise Superintendent, Srikakulam.

44) The S.H.O., Prohibition & Excise Station, Palasa,
Srikakulam District.

45) The S.H.O., Prohibition & Excise Station, Therlam,
Vizianagaram District.

46) The Deputy Commissioner for Prohibition & Excise, Eluru,
West Godavari District.

47) The S.H.O., Prohibition & Excise Station, Parvatipuram,
Vizianagaram District.

48) The Prohibition & Excise Superintendent, Karimnagar Dist.

49) The Secretary, State of A.P., Excise & Prohibition Dept.,
Secretariat, Hyderabad.

50) The Prohibition & Excise Inspector, Madugula,
Visakhapatnam District.

51) The Prohibition & Excise Inspector, Chodavaram,
Visakhapatnam.

52) The Managing Director,
M/s. Andhra Pradesh Beverages Corporation Limited,
a State Government Undertaking; 4-3-596/F, 6$^{th}$ Floor,
Posnet Bhavan, Tilak Road, Hyderabad – 500 001.

53) The Prohibition & Excise Inspector, Ichapuram,
Ichapuram Circle, Srikakulam District.

54) The Prohibition & Excise Inspector, Sompeta, S.H.O.,
Srikakulam District.

55) The Prohibition & Excise Inspector, Bhogapuram Circle, Bhogapuram, Vizianagaram District.

56) The Prohibition & Excise Inspector, S. Kota Circle, S. Kota, Vizianagaram District.

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Secretariat, Hyderabad.

65) Two C.Cs. to G.P. for Prohibition & Excise, High Court of A.P., Hyderabad(O.U.T.).

66) Two C.D. copies.